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In These Times

INDEPENDENT NEWS & VIEWS

January 7, 2002

The Prison *as* Laboratory

Experimental medical research
on inmates is on the rise

Silja J.A. Talvi investigates



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Editorial

Iraq in the Cross Hairs

Though we have never disputed that the Taliban are theocratic thugs or that al-Qaeda needs to be decisively countered, scenes from a liberated Afghanistan—the joy of people free of theocracy, women beginning to show their faces on the street, music being sold in public—do give us pause about our opposition to the United States going to war in Afghanistan.

Yet the foreboding that disturbed us initially has not abated. Having anointed itself with the balm of what some have understandably termed a “just war,” the administration is bent on maintaining the United States as a hyper-militarized state that is at permanent war with terrorists. “Afghanistan is just the beginning,” Bush says. “We will not be secure as a nation until all of these threats are defeated.”

Bush, Ashcroft, Rumsfeld and company continue to rant against “evil,” a simplification that blinds the nation to more complex understandings of world events. Islamic extremism, after all, stems from social conditions and historical circumstances, not uncontrollable demonic contagions. A perpetual state of war bodes well for the corporations and military bureaucracies that are the beneficiaries of the sacrosanct military budget. But it does little to advance the cause of a world governed by the diplomatic application of international law.

The delegation to the nation’s intelligence agencies of ever greater power also continues unabated. The cry to battle has drowned out questions that should be asked about one of the most colossal intelligence failures of recent years. In light of the bombings of the U.S. embassies in Africa and the U.S.S. Cole in Yemen, why were the CIA, FBI and NSA not more vigilant? Can those who advocate expanded spy agency authority demonstrate that already existing police powers, if properly exercised, could not have prevented September 11? Is the expanded empowerment of intelligence bureaucracies a feint to deflect a public examination of that obvious failure?

More generally, the war against terrorism fosters a cookie-cutter foreign policy where “terrorism” becomes the rubric that justi-

fies the use of military force. In the wake of the recent suicide bombings, Ariel Sharon has adopted the language of the White House verbatim in explaining Israel’s attacks on the Occupied Territories. And the administration has gone along, choosing to ally itself with the Israeli right.

In Washington, Pentagon adviser Richard Perle, Deputy Defense Secretary Paul Wolfowitz and Clinton-era CIA Director James Woolsey are urging Bush to expand the war against terrorism to Iraq. Woolsey, writing in the *Washington Post*, advocated confronting “the Mideast’s predator governments—Iraq, Iran, Syria and Sudan,” with Iraq being “next in the cross hairs.”

What’s going on here? *Weekly Standard* editor William Kristol told the *Post*, “Whether we take on Iraq has huge implications for the U.S. role in the world, and, fundamentally, it’s whether we’re going to take it upon ourselves to shape a new world order.”

Iraq is important. Outside of Saudi Arabia, it has the largest oil reserves in the Mideast. But oil is not the only politics at play. In Washington, Kristol, Wolfowitz and Perle are known as an “Israeli-firsters.” If Saddam

If Saddam were bombed out of office, the influence of Saudi Arabia would be diminished.

were bombed out of office and a pliant client put in his place, Iraqi oil production can be cranked up and the influence of Saudi Arabia would be greatly diminished.

That has huge implications for Israel. A denatured Saudi Arabia will have less voice in world affairs, thereby allowing United States to more completely ignore the opinion of Arab states should the conflict between Israel and the Palestinians escalate into all-out war.

In an appeal published by the *Guardian* of London, Hans von Sponeck and Denis Halliday, former U.N. humanitarian coordinators for Iraq, called for “an attack on injustice, not on the Iraqi people.” They then invoked the words of Martin Luther King, “A time has come when silence is betrayal. That time is now.”

— Joel Bleifuss

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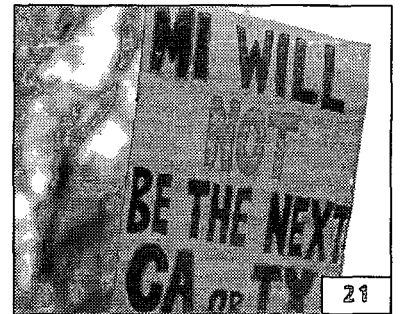
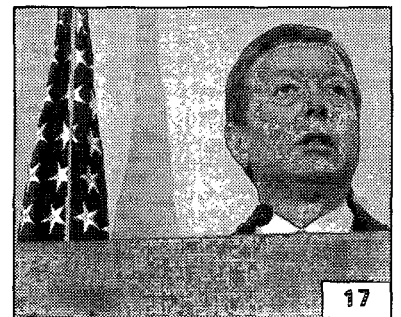
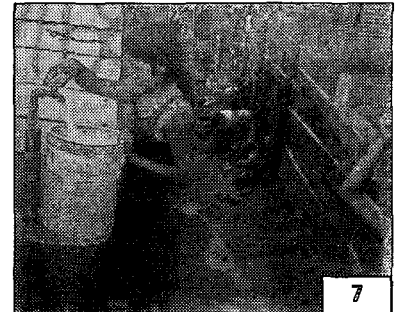
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By G. Pascal Zachary

The clubs were alive with the sound of John's sax ...



Cover collage: Jim Rinnert

Letters

No Blank Check

Ian Williams writes that the U.N. Security Council gave the United States a "blank check" to conduct military operations by passing Resolutions 1368 and 1373 in September ("The Metaphysical Club," November 26). While the State Department might find his interpretation useful, the actual words of the resolutions do nothing of the sort.

Williams bases his case on the resolutions' references to Chapter 7 of the U.N. Charter, which spells out the conditions on

use government power to control every aspect of globalization. Economic subsidies, one-sided trade policies, favorable currency valuations, intellectual property/patent laws and even brute force—all government sponsored—are the weapons in their arsenal.

David Harrington
Minneapolis

The People's Choice

Doug Ireland offers yet another frantic warning that more and more people across the globe are turning against the U.S. war in Afghanistan ("Cracks in the Coalition," December 10). According to Ireland, a few more civilian casualties and everyone in the entire world will oppose us. Everyone, that is, except one group that Ireland seems to overlook: the people of Afghanistan. They seem to be taking such pure delight in reclaiming control over their bodies, their personal dress and their culture that they probably forgot about the rest of the world opposing America's war.

Bill Bianchi
Chicago

been bothering a number of us for many weeks: demonizing the "other" with that word assumes that we are, *ergo*, good. Another arrogance.

I would also like to congratulate you on the addition of Naomi Klein, whose columns demonstrate the same kind of unusual insights that provide sophisticated and meaty stuff for us to chew on. Thanks also for including Christopher Hitchens. I have great respect for his competence and courage.

Suzanne Antisdell
Detroit

Give Me Liberty

In this time of intense patriotism, who among us is truly ready to risk death for our freedoms? I suspect that many people deeply believe that they are. But which freedoms will they risk death to preserve? The freedom of privacy? Of habeas corpus? Of speech? Of free assembly? Of free expression? The freedom from unreasonable search and seizure? And are we willing to risk death at the hands of terrorists as the price of these freedoms?

Dennis M. Burke
Phoenix



the use of military force. Chapter 7 establishes that force may be used only by the Security Council itself, or in self-defense—not unilaterally by individual countries or groups of countries. Neither resolution "declared that the United States was acting under the U.N. Charter's provisions for self-defense," as stated by Williams. Rather, the resolutions merely made references to self-defense in their introductory clauses.

In international law there is a gaping distinction between self-defense and retaliation. To stretch the concept of "self-defense" to allow one state to make non-negotiable demands against another, to decide unilaterally whether the demands have been met, and to start bombing if the other state does not comply is a recipe for international lawlessness.

Geoffrey M. Young
Lexington, Kentucky

Government Interference

Benjamin Barber is in desperate need of an economics lesson. In his article "Democracy Now" (December 10), he writes that McWorld "insists on total freedom from government interference in the global economic sector." Nothing could be further from the truth. The giant transnational corporations and financial interests depend on government interference (on their behalf) all over the globe.

The corporate elite aren't interested in true "free markets" or competition, for that involves uncertainty and risk. They

Something To Chew On

Your publication is one of the best sources of sane ideas in a world gone mad, and I thank you for being there. Several writers are gems to be acknowledged: Joel Bleifuss' editorial on pandering to evil ("The Problem with Evil," October 15) was excellent and encapsulated what has

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Terry LaBan



Drug War Retreat

England moves to
decriminalize narcotics

By Adam J. Smith

For British Prime Minister Tony Blair, there might never be a more opportune moment to stand down from a war that has grown increasingly unpopular at home.

It may only have been a matter of time, but Britain, which has enthusiastically assumed a co-leadership role in the "first war of the 21st century," the War on Terror, has chosen this moment to quietly but unmistakably begin a cessation of hostilities in the last and longest war of the 20th: the war on drugs.

In late October, Home Secretary David Blunkett announced that the government would soon stop arresting or even cautioning people for marijuana possession. Blunkett also indicated that the Labour Party is ready to discuss expanding the legal distribution of hero-

in to addicts and reclassifying the drug ecstasy—thought to be used by as many as half a million Britons each weekend—as a "soft" drug, with accompanying reductions in penalties for its manufacture, sale and possession.

"The drug war, in Europe at least, is essentially over," says Paul Flynn, a Labour MP from Wales. "Our course is irreversibly moving toward a more pragmatic approach to substance abuse generally throughout Europe. Aside from Sweden, the British are the last nation of the European Union to move away from criminally enforced prohibition as front-line drug abuse prevention."

In the mid-'70s, the Dutch were the first Europeans to back away from the U.S.-led drug war, with positive results. "After 30 years under some of the harshest drug policies in the European Union, Britain's drug problem is among the worst in Europe. And after 25 years of intelligent, pragmatic policies, drugs in the Netherlands seem to cause the least harm to individuals and society," notes Flynn, who also sits on the Health Committee for the Council of Europe, an advisory body that makes policy recommendations to its 43 member nations.

Over the past five years, much of Western Europe has begun to move toward decriminalization of drugs, at least as far as personal possession and use is concerned. Spain and Germany are no longer arresting people for possession of soft drugs, such as cannabis or psychedelic mushrooms, and Portugal essentially has decriminalized drug possession altogether. Portuguese law now requires those caught with up to 10 "daily doses" of any substance to appear before a non-punitive commission, if they are cited at all.

Britain's next step could be to expand its system of legal distribution of heroin to addicts. Under "opiate maintenance," registered addicts receive legal, measured doses of heroin along with other health and social services. The programs are designed to help users stabilize their lives, reduce crime and increase their chances of getting clean. After a three-year trial that yielded impressive results, Switzerland has installed heroin maintenance programs as part of its overall health policy. The Netherlands has initiated clinical trials of its own, and Spain, Germany and Denmark are expected to follow suit this year.

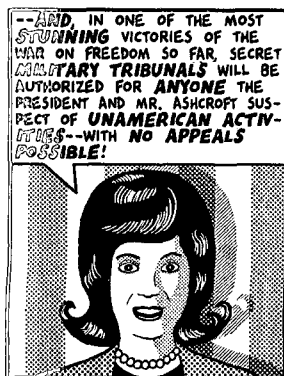
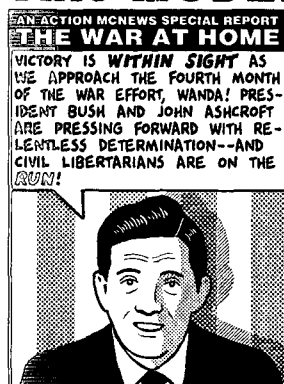
But as drug reform pushes forward in Europe, there are limits to how far it can go. A 1961 U.N. treaty currently mandates global drug prohibition. Although many believe that some nation, most likely the Swiss, will soon attempt to overtly legalize their domestic cannabis market, legal, regulated markets probably cannot be widely instituted while that treaty is in effect.

The United States, for its part, has strongly opposed programs like opiate maintenance, and the presence of three hard-line prohibitionists—John Ashcroft as attorney general, Asa Hutchinson as DEA chief and John Walters as drug czar—in the Bush administration means that position is unlikely to change, internationally or domestically.

"At the moment, Europe, at least at the highest political levels, is still afraid to stand in the way of the United States," says Joep Oomen, director of the European NGO Council on Drugs and Development. "It is clear that Europe will only be able to act independently if it stands together behind what it has learned. Today, in every major city in Western Europe, municipal authorities have come to the same pragmatic conclusions about drug policy."

THIS MODERN WORLD

by TOM TOMORROW



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Eric Sterling, president of the Criminal Justice Policy Foundation, says that Americans and Europeans look at the issue differently. "In Europe, the drug problem is viewed as a collection of consequences—AIDS, crime, addiction—which must be dealt with," he says. "Not so here, where we tend to look at drug use and intoxication as a moral issue. We justify the most destructive and least effective of our drug policies as somehow sending an important message to our children. That makes it difficult to import even the most successful European policy initiatives."

Whatever Congress thinks about the wholesale rejection of drug war orthodoxy taking place across the Atlantic, it doesn't seem as if it will be able to do much about it. Some in Europe still call for "zero tolerance," but their numbers and their influence are shrinking. "We have come to the point," Flynn says, "where Parliament will either reform Britain's drug policy, or the people will do it, and Parliament will be irrelevant. The assumption inside the country is that the war is over." ■

Adam J. Smith is former associate director of the Drug Reform Coordination Network, where he was founding editor of The Week Online.

Back in the U.S.S.R?

No, but former Communists are retaking power in Eastern Europe

By Tony Wesolowsky

PRAGUE—When the Soviet Union and its satraps in Eastern Europe collapsed, the Communist minions who ruled the "Evil Empire" were expected to slither away to be replaced by the "reformers." Or at least that was the script as written in the West. More than 10 years after the collapse of the Berlin Wall, however, the people in the region are rewriting the story.

Bulgaria is just the latest country to throw out its free-marketeers and bring back the old guard. On November 18, Socialist Party leader Georgi Parvanov (formerly Communist Party chieftain) defeated incumbent Petar Stoyanov for the mostly titular presidency. It was the second time this year Bulgarians voted for change. In June, Bulgaria's last king, Simeon II, who was thrown out by the Communists in 1946, made a triumphant

return to his homeland after being elected prime minister. His victory meant the end of the government led by the Union of Democratic Forces, which was instrumental in tearing down Communism in Bulgaria more than a decade ago.

Pundits in the Balkan nation, where unemployment hovers around 20 percent and monthly wages are at about \$125, chalked up Parvanov's recent victory to the frustrations of average Bulgarians fed up with failed neoliberal tinkering. "Bulgarians are tired of reforms that never seem to produce results," says Professor Antoni Todorov of Sofia University. The Bulgarian tabloid *24 Hours* opined, "Paranov has become president with the votes of those forgotten by reforms: the poor, the unemployed, minorities who have long formed a stable majority."

Before the Bulgarians, it was the Poles who kicked out the reformers. On September 23, Leszek Miller and his repackaged Democratic Left Party took the reins of office after a narrow victory in parliamentary elections. Out went the ruling coalition led by Solidarity, which was wiped off the political map after failing to gain enough votes for even one seat in the Polish parliament, the Sejm.

Back in March, Europe's poorest country, Moldova, sandwiched between Ukraine and Romania, became the first

SHORT

Anti-abortionist Apprehended

Clayton Lee Waagner, the virulent anti-abortionist identified as the primary suspect in a series of anthrax threats against abortion clinics that began in mid-October (see "Abortion under Attack" December 12, 2001), was arrested at a Kinko's in Springfield, Ohio on December 5.

The 45-year-old fugitive escaped from an Illinois county jail last February and is accused of sending letters and packages with powdery substances to 280 clinics across the country. None of the letters later turned out to contain anthrax. The messages were signed the "Army of God" and read, in part, "We are going to kill you. Stop now or die."

"We're elated that he was caught," Gloria Feldt, president of Planned Parenthood, told the *New York Times*. "Now is the time to finish the job ... and catch all the others who aided and abetted him."

Ironically, Waagner's detention was aided in part by another notorious anti-abortionist, Neal Horsley, the creator of a Web site tracking the murder of doctors and other clinic workers (which has since been shut down by court order). Horsley told authorities Waagner showed up at his house in Georgia shortly before the arrest claiming responsibility for the mailings and threatening to kill another 42 clinic workers.

Bringing the Money Back Home

Mexican workers in the United States are beginning to have an easier time sending money back home. In November, First Bank of the Americas, a Chicago-based community bank, announced a program to help the thousands of non-resident workers who send part of their monthly income to their families in Mexico. First Bank's program provides account holders with two ATM cards, which can be used in both Mexico and the United States. Family members in Mexico can withdraw money from an account here for a standard ATM fee of about \$1.50.

Wire transfer services, by comparison, can gobble up as much as 10 to 30 percent of the amount sent. Workers from Mexico and other South American countries can be a target of crime and corruption because they are often hesitant to open bank accounts, instead carrying cash or storing it in their homes.

First Bank joins several other banks and credit unions across the country in offering such programs. In May 2001, Wells Fargo became the largest bank to offer banking services to nonresident workers. Workers in the United States could send as much as \$10 billion to Mexico this year.

of the 15 ex-Soviet republics to return the Communists to power when Vladimir Voronin, a man who fancies himself "a Moldovan Deng Xiaoping," was elected president.

This isn't the first pendulum swing to the left in the former Eastern Bloc. Indeed, the repackaged Communists won Bulgaria's first elections in 1990. In Poland, former Communist Party functionary Aleksander Kwasniewski unseated Solidarity's major-domo Lech Walesa in 1995. Erstwhile Communists have held power at one time or another across most of the region. However, a decade of transition has left many disillusioned and disappointed.

In fact, the transition from Soviet times has been a "Great Depression" for Central and Eastern Europe, plunging "more than 100 million people into poverty, with many millions more hovering precariously above subsistence," according to a U.N. report. A 2000 World Bank report on poverty in the former Soviet states reported that only three countries in the region—Croatia, the Czech Republic, and Slovenia—have made a dent in bringing down absolute poverty rates.

The nightmare that is life in Moldova is largely unparalleled anywhere in Europe. Last year, the country's biggest export was its .md Internet domain name,



which it sells to medical professionals, mainly in the United States. Poland, once dubbed an "Eastern European Tiger" for its strong economy, is at the other end of the transition spectrum. But while Warsaw is slowly being transformed into a modern metropolis thanks to large doses of foreign investment, much of the countryside, and rust-belt regions like Silesia, are largely forgotten and mired in poverty.

Even in the Czech Republic, the poster child of transition, all is not well. While Prague attracts millions of tourists, who

keep the local economy humming, the view looks a lot less breathtaking elsewhere. Cities like Most in northern Bohemia, where much of Czech heavy industry was built, have been hit hard. "I feel sorry for the kids, there is nothing here for them; nothing to look forward to," says Blanka Vikova, a pensioner in Most, as she gazes across the empty concrete plaza and gray apartment prefabs which cropped up like weeds in the '70s after the city's Communist chieftains dynamited the old town to make way for the future.

Few among the young see any prospects in the city. "As soon as I finish up school, I'm getting out of here," says Petr, a 19-year-old student. Cities like Most have become modest outposts for the simmering Czech neo-Nazi scene as more and more people throw up their hands with politics-as-usual, a common sentiment throughout Eastern Europe.

Can the recent changes in Poland and Bulgaria reverse some of that frustration? Probably not. Simeon's promising package of reforms, including tax cuts, interest-free loans for start-up businesses and other pump-priming measures, was scrapped after the International Monetary Fund played hard ball with the Bulgarians, dropping big hints a new loan package could be nixed if the proposed measures were approved.

Anarchy in the W. Va.

On November 27, the West Virginia Supreme Court declined to review the case of Katie Sierra, a 15-year-old student at Sissonville High School near Charleston, West Virginia, who claimed her First Amendment rights had been violated after she was suspended for trying to start an anarchy club at her high school and wearing T-shirts that read, among other things, "When I saw the dead and dying Afghan children on TV, I felt a newly recovered sense of national security. God Bless America."

The student has since begun home schooling after receiving threats at the school, and a local school board member reportedly accused her of "committing treason" for her views. Sierra's lawyers are considering other options.

"I'm all American," Sierra's mother told the *West Virginia News*. "I have flags on my car. If people can wear the flag, why can't my daughter wear an anarchy symbol?"

—Kristie Reilly



Peace March: Ryan Amundson, Amber Amundson and David Potorti (center), who lost relatives in the September 11 attacks, with other marchers at Union Square in New York City during an anti-war walk from the Pentagon to the World Trade Center on December 2. The march for healing, peace and an end to war in Afghanistan, sponsored by Voices in the Wilderness, attracted national media attention—but the *New York Times*, while running a similar photo, cropped out protest signs and neglected to mention the march's purpose.

In Poland, Miller's government balked at a proposal by its junior coalition partner, the Polish Peasant Party, to institute an import tax to protect Polish industry. That despite dire warnings from the Polish economics ministry predicting unemployment could top 20 percent next year: This time, Polish officials were looking over their shoulders toward Brussels, heart of the European Union, whose promise of membership means countries in the East looking to join the exclusive economic club are left on a short leash to pursue anything other than tight monetary policies.

That the IMF points to Moldova as a "success" because of its austerity measures says a lot about how out of touch it is. In its 2001 survey, the International Coalition of Free Trade Unions said the emphasis by the international financial institutions on macro-economic stability had failed to address the destruction of domestic production in Eastern Europe and the resulting high unemployment there. If those issues aren't addressed, there may not be a happy ending to this story. ■

Immigrant Exodus

Mexicans head south of the border

By Thomas D. Elias

The line at Dulles Airport outside Washington extended out the door and down the sidewalk from the terminal entrance one night in mid-November as hundreds of immigrants checked in for midnight flights to Central America on TACA, the Salvadoran airline. Many checked television sets and other household goods; they had bought one-way tickets to cities in Guatemala, El Salvador, Honduras and Costa Rica.

Across the country, Juan Paredes stood in another line, this one outside the Mexican consulate in Los Angeles. Now part of an unheralded exodus of

Hispanic immigrants from America, he waited in November to get the *matriculas consulares* identity card he needs to recross the border and return home.

Since September 11, the number of undocumented immigrants trying to enter the United States has been slashed drastically, and many other immigrants are now going home. Paredes worked five years as a roofer in Southern California before moving up to the higher wages and better benefits of a maintenance man at a Palm Springs resort. But with occupancy down by more than 30 percent from last year, the resort laid him off. "I don't know if there will be work for me again in this country, and I want to be home for Christmas," he says. "Maybe I stay in Mexico this time. I am not comfortable here anymore. When I go out, I worry about being stopped by the police because many people say I look like an Arab."

Thousands of Mexicans have gone to consulates in cities like Denver, San Francisco and Los Angeles seeking the

Devil May Not Care 3.1

Town officials in Inglis, Florida have put the Prince of Darkness officially on notice that all his evil works are no longer welcome in their hamlet. Should Satan try to enter Inglis the way most motorists do, he will pass a fence post into which Mayor Carolyn Risher has secreted a proclamation that the "ruler of darkness, giver of evil, destroyer of what is good and just, is not now, nor ever again will be, a part of this town of Inglis." The devil will be interested to know, furthermore, that henceforward he is "powerless, no longer ruling over, nor influencing, our citizens."

Still, the triumph of good over evil in Inglis is not uncontested. Not everybody in town is wild about being characterized, in Risher's colorful phrasing, as "blood-bought children of God." Some citizens have murmured about constitutional issues, according to the *St. Petersburg Times*, and one business owner intimated that he might sue. Another citizen is circulating a petition to oust Risher.

More ominously, Town Clerk Sally McCranie notes that pallid teens have been observed around town in black clothes. And who knows what evil lurks in the hearts of Goths?

Fire Next Time 7.4

Denise Lewis always feared the worst for her son. He didn't seem capable of holding down a job, and he was always hitting her up for money to publish his small left-wing magazine. "He's been hanging out with the people who chain themselves to trees," she told the *Rockford Register-Star*. "He had ideas of working on farms where they didn't use pesticides. We kept thinking that one day he would get into trouble, and then we could get him some help."

Trouble arrived early on the morning after Thanksgiving. Richard Lewis, 27, sauntered through the Cherryvale Mall on the outskirts of Rockford, Illinois, shouting slogans about freedom, and then perched himself on a second-floor balcony overlooking the mall's center court. He lit some papers and flung them at the Santa display below. Then, shouting, "Freedom and liberty for all!" Lewis lit himself on fire and tried to climb over the balcony. Bystanders pulled him back from the

railing, and a mall security official put out the fire with an extinguisher.

Lewis is in critical condition. Despite his grisly demonstration, within hours children were lined up waiting to sit on Santa's lap. Shoppers were mostly bemused by the whole spectacle. "This kind of thing happens all the time in Wisconsin, when the Packers lose," one quipped to the *Register-Star*.

Still, others felt sorry for the troubled young man. Just after the flames were extinguished, a shopper rushed to Lewis to assure him that God was always with him. "Now you tell me," Lewis replied.

—Dave Mulcahey



TERRY LABAN



identity cards required to return. In Denver, the Mexican consulate issued 66 percent more ID cards to its citizens in October than in the same month in 2000. The increase is 40 percent in San Francisco, just under 20 percent in Los Angeles.

Normally, about 2 million Mexican workers—both legal and not—return home at this time of year, spending a month or two with their extended families before coming back for winter and spring planting and harvesting. But Mexican authorities expect at least 1 million more of their citizens to return home this winter than usual, and they don't know how many will eventually head back north.

That figure doesn't count the unknown numbers heading back to Central America. TACA spokesmen will say only that their southbound Central American passenger loads "are heavier than usual, which is remarkable considering we were getting much reduced numbers of passengers in August due to the bad economy." Mexicana Airlines declined to provide figures on the numbers of one-way southbound tickets it has issued recently.

The U.S. Border Patrol intensified security measures along the entire Mexican border within days after September 11. Pedestrians now must stand in line an average of 90 minutes, and often more than two hours, to enter the United States at San Ysidro, just south of San Diego, the world's busiest border point. And every person is interviewed, every license plate checked by computer, before crossing into the country.

In the Immigration and Naturalization Service's El Centro sector of the southeastern California desert—normally the most active immigrant-smuggling part of the frontier—arrests of persons seeking to enter the United States without documents were down to around 4,000 in October, a 70 percent decrease from a year earlier. Arrests are down about 25 percent in all border areas.

The changes have cost many legally employed Mexican workers in American border towns their jobs. Cross-border shopping has been cut by about 40 percent on both sides, threatening the economies of cities from Chula Vista, California to Piedras Negras, Mexico. That spurred the San Diego City Coun-

cil to ask California Gov. Gray Davis and President Bush to declare an economic state of emergency along the border. Democratic Rep. Bob Filner, from the San Diego border district, made the same request of Bush in late November. The Bush administration has yet to act on those requests.

So far this year, Mexican citizens working in the United States have sent between \$7 and \$10 billion home, according to various estimates. Many workers send back half or more of their income, but that flow has slowed considerably in the past three months. "Whenever there is a recession in America, we feel it in Mexico," says Raul Lomeli, a spokesman for the Mexican consulate in Los Angeles. "This time it is worse than usual, and we don't know how much it will cost the Mexican economy in funds that won't be sent home." ■

Thomas D. Elias is a syndicated columnist in 61 California dailies. His latest book is *The Burzynski Breakthrough*.

Maquila Melée

Death threats and plant closings threaten workers rights in Guatemala

By Tula Connell

Just days after a year-long organizing campaign went public at two textile factories outside Guatemala City in July, union supporters were violently attacked and injured at work by a mob wielding rocks, bottles and other makeshift weapons in an assault that lasted for hours.

Union leaders who pleaded for help from the Korean management were told there was nothing they could do. In fact, union leaders charge that the managers themselves instigated the attack, pitting worker against worker with threats that if the union campaign succeeded, the factory would be closed and

Man Held on Secret Evidence Now Faces Deportation

As part of a federal crackdown on immigrants since September 11, Mazen Al-Najjar, who spent 43 months in jail on the basis of secret evidence (see "Secret Keepers," November 12), now faces imminent deportation from the United States.

Al-Najjar, a 44-year-old stateless Palestinian, was freed in December 2000 after Attorney General Janet Reno determined that there was no basis for holding him. But on November 24, Immigration and Naturalization agents rearrested him outside his Tampa home.

The arrest followed a November 13 decision by the 11th Circuit U.S. Court of Appeals in Atlanta to uphold an earlier Justice Department demand for Al-Najjar's deportation. The INS claims it has the authority to deport Al-Najjar because he overstayed his student visa in the '80s. In a November 27 press conference, Attorney General John Ashcroft said, "I believe that the government will be successful in his deportation."

The government wants to deport Al-Najjar to the United Arab Emirates, though he has no family there. The UAE has rejected previous requests

to allow him to enter the country. Meanwhile, the INS also wants to deport his wife, Fedaa, to Saudi Arabia. The Al-Najjars have three American-born daughters, ages 6, 11 and 13. All are U.S. citizens.

Al-Najjar is currently in solitary confinement for 23 hours a day, unable to call his family. If not deported, he could be held indefinitely under regulations instituted

by Ashcroft in November. "It is clear that Al-Najjar's case is being used by the department to test the limits of the government's asserted powers to detain illegal immigrants at will and indefinitely," the *St. Petersburg Times* observed in a November 19 editorial.

Al-Najjar's attorneys plan to file a petition for Supreme Court review of the case.

—Anthony Arnove





Children at a well in Guatemala City, where water can cost more than a week's wages.

the employees blacklisted from ever getting work again. Minutes before the *melée*, workers reported hearing a supervisor say, "Today we'll see who wins. It's either us or them." By the end of the day, 10 union leaders had been forced to resign; the July 18 attack ended only after the arrival of union, human rights and labor ministry representatives at the scene.

Paid between \$150 and \$180 a month—with many spending more than a quarter of their wages on potable water that's sporadically trucked into the nearby shantytowns—the 1,200 workers at the Choishin and Cimatextiles corporate factories sew clothes that eventually bear the Liz Claiborne label. In 1998, after two years of negotiations with a local monitoring agency, Liz Claiborne took the rare step of allowing the independent monitoring of some plants and agreed that the agency's findings be made public. Following the violent July 18 attack, Liz Claiborne sent a letter to union leaders in support of the right to organize, an unprecedented response by a major corporation.

But despite Liz Claiborne's support, and the managers' signed agreement to recognize the union, workers face con-

tinued threats, harassment and intimidation. One union leader says he wakes to find his house watched in the middle of the night. Other union supporters are followed home and receive threatening phone calls, even death threats. More recently, union supporters have faced more subtle forms of intimidation, such as being moved to work stations with faulty and aged machinery, thus decreasing their ability to meet work quotas and receive full pay.

Obstacles to organizing workers in Guatemala are not limited to the apparel industry. Across the board, Guatemalan union leaders come up against daunting barriers: brutal harassment from employers, a government that, at best, turns its back to blatant violations of labor rights, and workers terrified of joining unions for fear they'll lose their jobs or even their lives.

Since 1954, when a U.S.-backed coup launched 36 years of bloody dictatorships and civil war—which saw Guatemalan union leaders brutally murdered and unions crushed—union membership, between 1 and 2 percent, has remained the lowest in Central America. In the mid-'90s, the government signed peace accords ending the internal

conflict, a process still monitored by the United Nations, but workers in textile plants and agriculture regularly face violence when trying to organize. Since the peace accords were signed, the only successful union campaign at an apparel-export factory, Phillips van Heusen, was crushed after workers won a contract and the plant closed in 1998.

With 27 apparel plants closing between January and August 2001, union supporters at the Guatemalan *maquiladoras*, more than half of which are Korean-owned, know the threats are real.

Guatemala instituted a new labor code in May under pressure from the United States, which threatened to end Guatemala's favorable trading

status if the country did not improve workers rights. Although the new code fell far short of the standards set by the International Labor Organization, and even those sought by the United States, Washington dropped its threats after the bill's passage. The AFL-CIO, with the support of Guatemalan trade unions, has asked the United States to renew pressure on the Guatemalan government in the wake of the attacks on the Choishin and Cimatextiles workers.

The code was passed as military control—and paramilitary violence—is escalating. "The current government has a policy of harassment and intimidation—very direct physical harassment," says Frank La Rue, director of the Guatemalan-based Center for Legal and Human Rights. By May 2001, he notes, "every single non-governmental organization" monitoring human and workers rights had been "broken into or threatened" in the previous six months.

The campaign at the Choishin and Cimatextiles factories would make the two plants the only *maquilas* in the country where workers are covered by a union contract. But as Guatemalan workers struggle to gain basic rights at

the workplace despite increased government repression and a weakened labor code, the prospects don't seem good. "We're actually going backward in terms of labor rights in Central America," says Charles Kernaghan, executive director of the National Labor Committee, a U.S.-based human and workers rights organization.

"We've seen wages drop so low they're almost off the map."

The situation in Guatemala shows clearly why linking workers rights to international trade is essential, says Lance Compa, a professor at Cornell University's School of Industrial and Labor Relations. "Social justice is not a by-product of economic growth," Compa says. "It has to be

built into the international trade system with strong workers rights provisions and tough sanctions against companies and governments that abuse workers. And one aspect of that is international trade agreements that include workers rights." ■

Tula Connell is editor of the AFL-CIO magazine America@Work.

PERSON

A Woman, A Plan, A Canal

By Lauren Courcy

Pearl Watson always votes alone. Outnumbered among the corporate and government interests on the commission planning a coast-to-coast railroad across Nicaragua, Watson is trying to save her native community of Monkey Point, where the proposed project would begin. The 225-mile, high-speed railroad promises to expand global commercial traffic exponentially, but it threatens to rob Watson and her community of their land and way of life.

Watson, a 57-year-old nurse who runs the community health clinic, has become a local activist with an international audience. "The Rama indigenous people have been on the land for longer than anyone can remember," says Watson, who visited the United States on a speaking tour in October. "The black people have been there since slavery times. We live in harmony together there, but the government is trying to flood us off our land."

About a thousand indigenous Rama and people of mixed African and Miskito ancestry live in Monkey Point, which sits on the south Atlantic coast about 200 miles east of Managua. And though there is neither road access nor electricity in Monkey Point, there is a

valuable deep-water harbor that would serve as the loading and unloading point of the "dry canal."

For years the government has been negotiating with two corporations vying to build the project: SIT Global (Sistema Intermodal de Transporte Global) and the favored company, CINN (Consorcio del Canal Interoceánico de Nicaragua), a consortium based in Managua but headed by a New York-based lawyer, Don Bosco, and backed primarily by Asian and European investors. The Nicaraguan National Assembly granted exploration rights to CINN in 1999 and even established conditions for a future contract for construction of the railroad. The government has touted the project as an economic boon that could bring tens of thousands of jobs to Nicaragua.

"They say the dry canal is the salvation for Nicaragua, but we would only have development for very few people and international investors," Watson counters. "All these big countries and big businessmen are going to get three times richer while the people of Monkey Point get three times poorer."

Though Monkey Point would be a major hub of the operation, Watson and her community were never consulted and, in fact, first heard about the plan via radio and TV in Bluefields, a nearby town. "For several years the government and the two companies have been negotiating to build in the territory of the Rama and ethnic Creole people without their consent," says Maria Louisa Acosta, a public advocate representing Monkey Point.

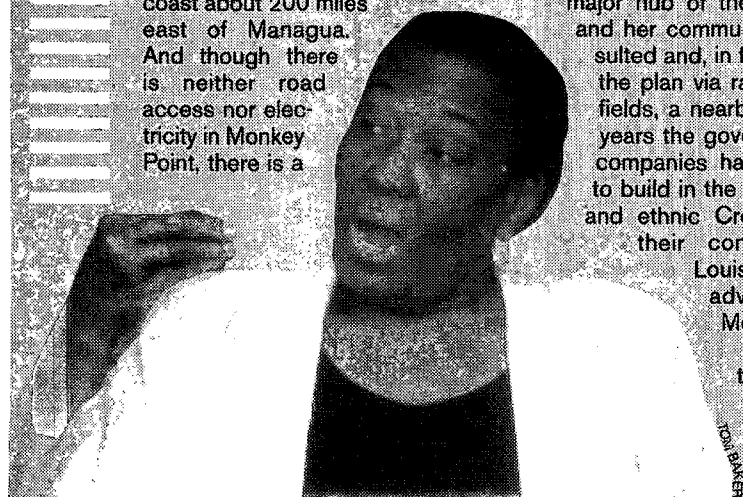
With Acosta's help, the community has filed two lawsuits against former President Arnoldo Ale-

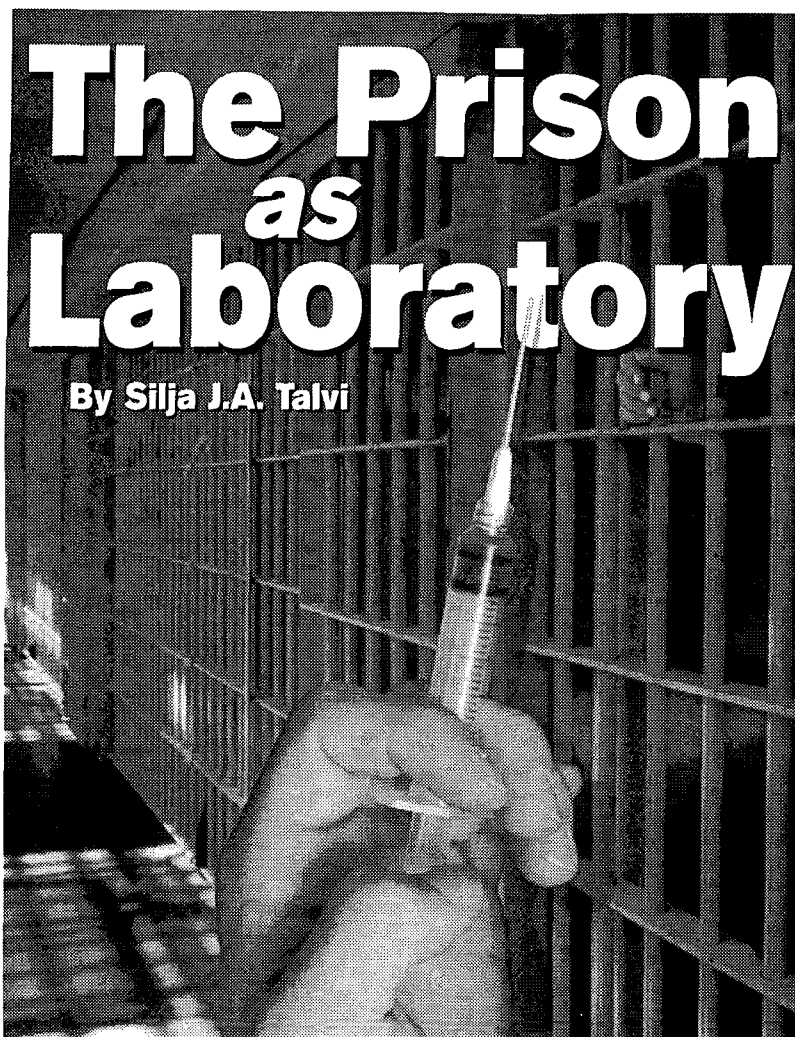
man and Attorney General Julio Centeno Gomez for having backed the 1999 authorization of exploration rights, which Acosta says violates both Nicaraguan law and the nation's constitution, which protects indigenous land rights. "The indigenous see that they have a right to their resources," Acosta says. "The government doesn't respect their rights to live as they have lived forever."

In 1900, the government of Jose Santos Zelaya handed out land titles to his cronies in a ploy to seize control of land along the route of a canal proposed more than a century ago. A 1988 law under the Sandinista government rendered those giveaways illegitimate. But recently the bogus, 100-year-old titles have materialized as foreign investors excited by the prospect of the "dry canal" have tried to stake claim to those lands.

At the same time that the government has advocated the construction of the east-west railroad (which would be buffered by a free-trade zone), it has also accepted a World Bank grant of more than \$7 million to fund an Atlantic Biological Corridor, a project promoting conservation in the north-south swath of rainforest—two seemingly contradictory projects.

Though there have been other canal proposals in the past, Watson believes this time it's really going through—and that international backing of her community and other Atlantic coast communities is crucial. "The country of Nicaragua is not poor; it is the administration that keeps us poor," Watson says. "We have lobster, green turtles, fish, the forest, different animals. We want to get sustainable work. We can do anything as a community. We have good minds, but we don't have the strength. That is why I am here [in America] looking for support." ■





The Prison *as* Laboratory

By Silja J.A. Talvi

The voluntary consent of the human subject is absolutely essential," reads the Nuremberg Code of 1947, which was drafted in direct response to the sheer barbarity of Nazi-era medical experiments on Jews and other captive groups. "[The] person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching or other ulterior form of constraint or coercion."

Yet in a convenient disassociation from the ethical implications of the Nuremberg Code, the United States became the only nation in the world to officially sanction the use of prisoners in experimental clinical trials. From the '40s through the early '70s, American doctors regularly injected and infected inmates with malaria, typhoid fever, herpes, cancer cells, tuberculosis, ringworm, hepatitis, syphilis and cholera in repeatedly failed attempts to "cure" such diseases. Doctors in prisons pulled out prisoners' fingernails and inflicted flash burns to approximate the results of atomic bomb attacks and even conducted various "mind-control" experiments using isolation techniques and high doses of LSD, courtesy of the CIA.

By 1972, the pharmaceutical industry was doing more than 90 percent of its experimental testing on prisoners. The appeal and the advantages of an always accessible, highly

controlled study group were obvious to researchers and trial sponsors alike; and, as researchers liked to point out, inmates themselves were eager to do something good for society, make money, or win favorable treatment or early release. But failures of these research studies often had devastating results on their captive subjects.

In October 2000, nearly 300 former inmates filed suit against the University of Pennsylvania, dermatologist Albert M. Kligman and corporate giants Dow Chemical and Johnson & Johnson for injuries, lingering physical illnesses and psychological trauma suffered as a result of experimental research conducted at Holmesburg Prison in Philadelphia between 1951 and 1974. The lawsuit, now pending in federal district court, alleges that University of Pennsylvania researchers deliberately exposed prisoners to dangerous and toxic substances without informing them of the attendant risks. The experiments—which formed the focal point of Allen M. Hornblum's 1998 book *Acres of Skin*—included the application of powerful skin creams, new cosmetics, dioxin and high doses of LSD.

The majority of the plaintiffs are low-income African-American men who were paid \$2 to \$3 per day for lending their bodies to "science" while incarcerated. The majority of these former prisoners have died, according to Thomas M. Nocella, the attorney representing the plaintiffs; of those still alive, all are in poor health. Now in their fifties and sixties, the men and women suffer from breathing problems, gynecological complications, and all manner of skin rashes and infections. The Holmesburg suit comes on the heels of a \$2.4 million settlement awarded in March 2000 to a group of former Washington State prisoners whose testicles had been sliced up and radiated in

experiments from 1963 to 1973.

This grossly perverted "era of experimentation" in prisons should be an unpleasant and distant memory. From the late '70s through the early '90s, a variety of state and federal laws, as well as carefully worded university regulations regarding the protection of human subjects, brought rampant prison experimentation to a screeching halt. American Correctional Association policy generally prohibits the use of inmates for medical, pharmaceutical or cosmetic experiments.

But evidence has emerged that prison-based research studies are again being conducted in numerous states—including Arkansas, Connecticut, Florida, Maryland, Rhode Island, South Carolina and Texas—and that hundreds of clinical trials and experimental therapies may have subjected prisoners to unjustifiable medical risks, in clear violation of existing federal regulations.

Research involving human subjects has become big business. Currently, more than 10,000 programs and an estimated 45,000 researchers conduct medical research on humans in the United States. With some 2 million Americans now behind bars, prisoners are increasingly being viewed in utilitarian terms by researchers eager to test experimental procedures on an array of chronic medical

problems, ranging from asthma to cancer. Prisoners represent a particularly compelling and convenient test group for anti-viral medicines and vaccines: At least 17 percent of people living with HIV/AIDS in the United States have spent time in correctional facilities, and the HIV rate in prisons is believed to be six times greater than in the outside population. In addition, prison populations have the highest concentrations of Hepatitis C in the country; from state to state, between 20 to 60 percent of inmates are believed to harbor the virus.

Revelations about medical research on prisoners began to come to light when the federal Office of Human Research Protections (OHRP), a division of the Department of Health and Human Services, suspended federally funded research projects at the University of Texas Medical Branch (UTMB) in Galveston because the university had not followed federal regulations aimed at protecting research-study volunteers. Of some 300 studies suspended in July 2000, 195 involved Texas prisoners; another 25 studies were brought to a halt in September 2000.

The OHRP would not provide any details about the studies and clinical trials, most of which involved treatments for HIV and AIDS, according to reports in the *Austin American-Statesman*. Dr. David Paar, director of the AIDS Care and Clinical Research Program at UTMB, also declined to comment on the state of clinical research at the

Experimental medical research on inmates is on the rise.

facility, pending the results of an "ongoing inquiry." But documents obtained through a Freedom of Information Act request offer insight into the types of studies conducted on prisoners at UTMB. A September 14, 2000 letter from the OHRP to UTMB listed numerous research projects that did not fall into any of the categories of permissible research on prisoners, finding "scant evidence" that the university's institutional review board followed federal regulations when it reviewed and approved the studies.

According to federal regulations, research in prisons must fit into one of four permissible categories: studies of the possible causes and effects of incarceration and criminal behavior; studies of prisons as institutional structures or of prisoners as incarcerated persons; research on conditions affecting prisoners as a group; and research involving a therapy likely to benefit the inmate involved. In all cases, studies are required to present no more than a "minimal" risk to the prisoner. Yet in many of the clinical trials reported to the OHRP, those regulations were clearly violated. "Those sorts of things put us on guard," says Jackie Walker of the National

Prison Project of the American Civil Liberties Union. "Boundaries were clearly overstepped."

The listed studies included those on induction of labor among pregnant inmates; a study of different methods of obtaining biopsies from inmates; a Phase I clinical trial (used to test a new drug or treatment for the first time in a small group) involving an experimental HIV vaccine; and another using a new experimental therapy of the intrahepatic (directly into the liver) delivery of a powerful chemotherapy drug.

Perhaps most shocking was a Phase I study, ongoing since 1997, that used prisoners to test a radically experimental approach to treating lung cancer. In that study, the prisoner was anesthetized and then connected to a machine called the BioLogic-HT System. According to the consent form, the test subject would agree to be heavily sedated and then to have tubes inserted into veins in the leg and neck to obtain blood. The blood removed from the volunteer would then be heated by the machine and returned to the body, inducing a dangerously high body temperature of 108.5 degrees and resulting in a sustained "hyperthermia" for two hours. (Dr. Joseph Zwischenberger did not respond to a list of questions about the study he directed.)

The consent form for the study cites a long list of serious potential side effects, including brain and spinal cord damage, loss of limbs, heart attack, hallucination, memory loss, burns at body pressure points, congestive heart failure, internal bleeding, seizures and death. While consent forms for experimental studies typically do list a wide array of possible complications, this form carried the additionally disturbing warning that the university would not compensate a research subject in case of injury. Participants in the study signed a form that read: "I understand that I cannot ... receive financial remuneration for any injuries resulting from my participation in this project."

Federal regulations specifically prohibit any language in informed consent documents whereby a subject is made to release, or appear to release, the investigator or the institution from liability for negligence. "The protection of all human research subjects, including prisoners who volunteer for research, is paramount," explains Dr. Michael A. Carome, director of the OHRP's Division of Compliance Oversight.

Yet while UTMB was given specific guidance on how to improve its reporting, reviewing and informed consent procedures, at no point, confirms the OHRP, were any of the prisoners in these studies interviewed about their experiences as test subjects. Paperwork was submitted by the university in response to concerns raised by the OHRP. On the basis of that paperwork—although no further site visits were made—the researchers were given the go-ahead by the OHRP in mid-January 2001 to resume their work, although it is unclear which of the objectionable studies were allowed to continue. No information was furnished in response to a detailed FOIA request, and UTMB officials declined to answer questions about the trials by phone or e-mail.

Texas isn't the only university to come under scrutiny for its experiments on prisoners. In 2000, the OHRP also directed the University of Miami to suspend enrollment of volunteers in a medical study of juvenile inmates, noting the existence of three other university studies involving prisoners that had not been reported to the appropriate federal

Therapy or Torture?

Experimental psychiatric "behavior modification" programs may be on the rise in prisons as a growing number of seriously mentally ill people are locked up.

These programs, usually but not always designed by psychiatric personnel in prisons, are an attempt to control a prisoner's antisocial and violent behavior. Unlike clinical trials and research studies, however, behavioral modification programs are considered a form of therapy and do not need to be cleared through an institutional review board, despite their experimental nature. And prisoners do not volunteer for these programs.

In state and federal prisons across the country, charges Dr. Terry Kupers, a psychiatrist and author of *Prison Madness*, these unregulated programs have evolved into "torture." In Illinois, Alaska, Washington State and elsewhere, Kupers says, behavior modification programs have included the forcible restraining of prisoners; denial of clothing and adequate food, showers or family contact; and the use of violent "cell extractions" involving physical abuse and pepper spray.

Consider the case of prisoner James Curtis, who was placed into a behavior modification program that had been conceived of and implemented by prison guards at the Washington State Penitentiary's Supermax Unit, where Curtis remained for more than a year. As Curtis describes the program, prisoners were initially placed on "Level A," where they were stripped naked and placed in a bare cell. He recalls: "The only thing authorized on this level was an opportunity to drink water every four to six hours, and a sack lunch" twice a day.

On "Level B," prisoners were given a pair of underwear and a blanket. Not until "Level C" were they granted three hot meals a day, clothing or a mattress. Levels progressed through E, where, after five days of "acquiescence," prisoners were able to regain many of the "freedoms" granted to state inmates.

Curtis, who was kept in the behavior modification program for roughly six weeks, says that the circumstances of his confinement were so abusive that he began to lose his mind. "I rarely talked and seldom ate, for I felt my food was being medicated. I slept for hours on end and occasionally woke up not knowing where I was. I often stood at my door listening for my name—thinking people were talking about me—and watching for the guards, who I believed would be coming to take my stuff."

By his own admission, Curtis began to lash out violently—against guards and the inanimate objects around him. "I talked to myself, laughed out loud for no reason, made funny noises and kicked my door in order to release violent bursts of energy. I argued with other convicts about petty things. I heard and talked back to distorted voices that emanated out of the speaker in my cell." One of these incidents has resulted in an assault charge against Curtis. He now faces a "three-strikes" trial in the spring.

In a similar case, inmate Rodney Gitchel was placed in four-point restraints 24 hours a day for two months at the order of the psychiatrist in Washington's Monroe Correctional Complex. After roughly 50 days, in August 1998, Gitchel struggled free and assaulted the first guard who entered his cell. Last March, Gitchel was acquitted of assault charges that would have resulted in another five years of imprisonment.

Prisoners who suffer harm as a result of experimental psychiatric programs are severely limited in seeking redress as a result of the 1996 Prison Litigation Reform Act, which prohibits prisoners from bringing lawsuits alleging mental or emotional harm unless they could also prove physical injury. In effect, lawsuits alleging psychological torture have been banned. ■

office. In addition, the OHRP instructed the University of Florida, Yale University and Brown University to drastically improve their reporting and oversight procedures for several studies involving prisoners. Researchers and administrators at the three institutions did not respond to requests for information about ongoing studies involving prisoners, although Brown noted that a study in the Philippines examining STDs and the high-risk behaviors of female prisoners had ended.

Recent examples of invasive and potentially dangerous experiments have not only raised concerns about the diligence of universities in protecting the well-being of prisoners. They've also thrown into question the OHRP's ability to keep tabs on federally funded studies involving human subjects. Carome confirms that his office still has not collected data on the number of prisoners participating in medical research studies. "This type of data has not been previously collected," he explains, "nor am I aware of any plan to collect such data in the future."

As such, no national estimates exist for how many prisoners are enrolled in federally funded clinical trials or research studies. Furthermore, the OHRP does not keep tabs on failed research studies or prisoner deaths. Independent of federal oversight, privately funded clinical trials have even less of a chance of meeting with public scrutiny. "Most drug trials fail," notes Dr. David Egilman, a professor at Brown and critic of medical research on prisoners. "Drug companies don't publish those failures so that their competitors will repeat the same mistakes."

Last year, the National Bioethics Advisory Committee called for regulations requiring doctors to reveal their financial interests to patients and for drastic changes in the existing federal oversight of research involving humans. A Senate hearing in May addressed the concerns of family members who had lost relatives to questionable medical research. And some critics want to see the OHRP separated from the Department of Health and Human Services because of the inherent conflicts of promoting and regulating studies conducted on humans. But change is likely to be slow in coming, since medical research enjoys heavy pharmaceutical funding and federal government support.

At a medical research summit held in Washington, D.C. in March, more than 200 researchers, medical ethicists and administrators gathered to discuss, among other issues, the disclosure of financial ties between clinical-trial researchers and pharmaceutical companies. When questions about federal oversight of studies involving human subjects were raised, Dr. Thomas Puglisi, the former director of compliance for the Office of Protection from Research Risks (now the OHRP) said: "What we've got from the regulatory standpoint is a mess. I couldn't say that when I worked for the federal government, but I can say that now."

The resurgence of medical research on prisoners has sparked renewed debate about its ethical implications. AIDS researchers, medical and legal experts, ethicists, and prisoner advocates convened a meeting in October 1999 at Brown University to develop detailed guidelines for medical research that would do more to

protect prisoners. Those guidelines have since "languished," says Dr. Anne De Groot, one of the conference organizers and director of the TB/HIV lab at the Brown University School of Medicine. But Eligman says researchers were asking the wrong question. "Instead of asking how prison research should be done," he says, "they should be asking if it should be done at all."

The National Commission for the Protection of Human Subjects, which provides ethical guidance to the OHRP, has found that prisoners often volunteer for medical research as a means of accessing competent medical care. The OHRP's own guidebook states that "prisoners and patients in mental institutions are confined under the strict control of people whom they must please and to whom they must appear cooperative and rational if they are to earn their release. These potential subjects may believe ... that agreeing to participate in research will be viewed positively by their wardens, psychiatrists, or social workers."

Last year, the *St. Petersburg Times* reported that some HIV-positive prisoners in the clinical trials may have been pressured to enroll in those studies. Several inmates specifically told the newspaper they had agreed to participate in the studies "to escape poor medical care, abusive conditions or lack of access to up-to-date HIV drugs at other Florida prisons."

Jeffrey Kahn, director of the Center for Bioethics at the University of Minnesota, believes that prison represents such a captive environment that researchers should use inmates for

research only when the research could benefit prisoners as individuals or as a group. He adds, "Research policy must balance preventing the exploitation of subjects against overprotecting groups [so] that they lose out on the research benefits offered to others."

In this way, researchers overseeing clinical trials in prisons have stressed the potential benefits of such studies to seriously ill prisoners themselves. "Incarcerated populations may not have access to cutting-edge therapies except through clinical investigation," says Dr. David Thomas, director of health services at the Florida Department of Corrections.

Indeed, numerous prisoner-advocacy groups, as well as groups such as the National Minority AIDS Council, are quick to point out that not all prisoners involved in research studies have been unwitting or unwilling participants. Increased access to clinical trials, they note, serves an important purpose for prisoners with chronic illnesses, given that medical care in prison is generally substandard. "Our position is that prisoners should not be excluded from trials that are efficacious, that are going to improve their health, and that they would normally have access to if they were in the community," notes Walker of the ACLU. "But we also don't want prisoners to be used as guinea pigs for trials that companies wouldn't complete in the community." ■

Silja J.A. Talvi is a Seattle-based journalist and an editor of *LiP Magazine* (www.lipmagazine.org).

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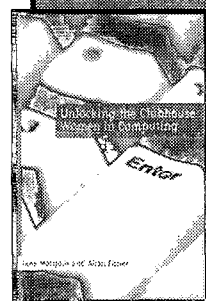
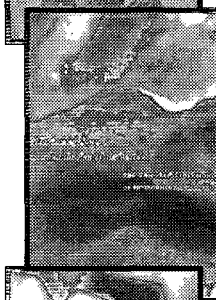
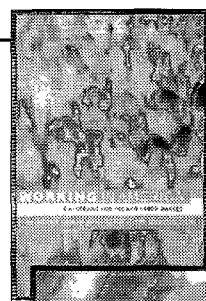
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History Lessons:

By Doug Ireland

How often have you heard something or someone dismissively referred to as "history"? In modern popular parlance, this honorable vocable means over with, finished, irrelevant. But American ignorance of history and contempt for its uses is far more dangerous today than Francis Fukuyama's silly regurgitations about the end of it—particularly with a historically ignorant president in the White House.

The problems of Afghanistan and Islamic fundamentalism—and thus the current war—are direct legacies of the Cold War. And the United States is now repeating many of the same mistakes it made then. Consider: For decades we treated the peoples of the Muslim world as mere pawns in the conflict with the Soviet Union. We installed the Shah of Iran on his Peacock Throne and supported his brutal police state for decades as a buffer against Moscow; the revolution that deposed him created a nation governed by ayatollahs. Then we supported Saddam Hussein as a counter to Soviet diplomacy and as a buffer against fundamentalist Iran—only now, after he has slaughtered several million of his own and other peoples, he is our enemy.

We allied ourselves with hereditary despots from Morocco to the Arab Peninsula—and the result was a wave of Islamic fundamentalism, which these regimes financed to bribe their peoples into quiescence, and whose *ummist* extremists fertilized the resentments that allowed the bin Ladens of this world to recruit so successfully. From Anwar Sadat and Hosni Mubarak in Egypt to Zia al-Haq in Pakistan to Ferdinand Marcos in the Philippines to Suharto in Indonesia, the Cold War led us to embrace corrupt authoritarians who kept their peoples impoverished and treated human rights as a joke—and in all these countries, the result was the growth of armed Islamist rebellions whose shock troops fit neatly into al-Qaeda's organigram. And the list goes on.

In today's world, Bush's precipitous militarization of the campaign against terrorism has propelled the United States headlong into a coalition with a collection of folks every bit as unsavory as those we coddled in the Cold War. And once again, our shortsighted tactical manipulations presage problems that will come back to haunt us in the long term.

Take Afghanistan. There is a marvelous piece of video that CNN recently reran of Zbigniew Brzezinski—Jimmy Carter's national security adviser—addressing a crowd of blank-faced *mujahedin* somewhere in the Afghan mountains at the height of the war against the Soviet invaders. From behind his Ray-Bans, Brzezinski—with Warren Christopher in tow—hollers in English to the turbaned guerrillas that "God is on your side." His audience certainly believed that God was on their side—they became the Taliban.

Now we are once again meddling in Afghanistan's byzantine politics without really knowing what we're doing. U.S. minders strolled the halls of the secluded *schloss* on the outskirts of Bonn where Afghans met to sign a piece of paper establishing an "interim government"—but that agreement is no more a guarantee of "peace" in their bedeviled country than was the paper waved by Neville Chamberlain in 1938. Of the four delegations in Bonn, the U.S.-backed "Rome group" of exiles supporting King Zahir was composed of people who haven't been in the country for years and are essentially creatures of the CIA and the State Department; the Cyprus delegation of long-term exiles was controlled by the hardliners in Iran; the Pashtun delegation was put together not in Afghanistan, but in Pakistan. And the delegation of the Northern Alliance contained none of the warlords who have actual power on the ground.

The Bonn meeting's choice of Hamid Karzai as the interim government's head is a sign of U.S. and Pakistani arm-twisting.

The Real Questions in Palestine By Hussein Ibish

The recent scenes of horror and devastation in Jerusalem and Haifa caused by three Palestinian suicide bombers screamed out to a world distracted by other events that the Israeli-Palestinian conflict is continuing to intensify.

These attacks came in response to a less-reported but extraordinary wave of killings of Palestinians by Israel, including the blowing up of five children in their Gaza refugee camp and the assassination of a leading Hamas figure.

Suicide bombing is a reprehensible tactic. These murderous acts involve not only political shortsightedness, but an unwillingness to set limits on what is permissible in the pursuit of freedom. Yet just as the occu-

pation does not justify suicide bombing, neither does resistance justify the occupation, which imposes routine violence on the daily lives of the 3 million Palestinians who live under abusive Israeli army rule.

The occupation is the elephant in the living room of Israeli and American discourse on this conflict, the overwhelming fact that cannot be acknowledged. Instead, what we get is obsession over the personality of Yasser Arafat and his future as a political leader. It seems almost absurd to have to point out that forcing millions of people to live for decades under hostile military rule with no end in sight inevitably produces violent resistance. Only a mindset that steadfastly refuses to recognize this can

become captivated by a lone figure whose real and imagined failings become a smoke screen that obscures the machinery that actually drives the conflict.

As Israelis and Palestinians use ever more lethal means against each other's civilians, the question being asked in Israel and the United States is not how to end the occupation, but whether to end the career, or even the life, of Arafat. Let us suppose that Arafat were somehow permanently removed from the equation. What would really change?

The bulldozers, checkpoints, Israeli settlements, Jewish-only roads, the entire hideous apparatus of the occupation would still be in place. Would Palestinians suddenly lose their will to resist? Would they become incapable of organizing protests, demonstrations, armed resis-

Bush should have learned from the Cold War



Zbigniew Brzezinski tours the Afghan border with Pakistan's minister of defense in 1979.

Karzai not only has been a longtime CIA collaborator who spent part of his exile in Pakistan, but his clan has historic ties to Zahir Shah. Although he's one of the few Pashtun leaders with a real record of opposing the Taliban, even he wasn't in Bonn. When actual control of the country is divided between dozens of fractious military commanders of various loyalties, bandit chiefs and tribal leaders who change allegiances whenever they're purchased, the notion that the new "government" he heads will be able to make anything stick is questionable. Karzai's announcement, as *In These Times* went to press, that Mullah Omar could go free after his surrender pleases Pakistan

tance—or suicide bombings? Can anyone really believe that the solution is a more oppressive occupation rather than an end to the occupation?

Like the discourse on "incitement" in the Palestinian media, the whole conversation about Arafat misses the point. It is the occupation that creates a distorted reality for both Palestinians and Israelis, allowing each side to interpret "good" as being anything that is bad for the other. In their rage and frustration, Israelis are tempted to obliterate Arafat and the Palestinian Authority. This would certainly intensify the struggle. As such, it is a step that would be welcomed not only by many Israelis but also by some Palestinians who believe that the Palestinian Authority simply mediates the occupation.

If the goal is to bring greater security to Israelis, eliminating Arafat or the

Palestinian Authority would certainly backfire spectacularly. It would only deepen the Palestinian determination to resist Israeli rule. If it involves Israeli soldiers once again policing the towns of the West Bank, it would create new targets for armed resistance. No one should be under any illusion that it would succeed when the killing of almost 1,000 Palestinians in the past year has failed to break the will of the Palestinians to accept anything less than genuine independence.

Moreover, it would play directly into the hands of the religious fanatics responsible for the suicide bombings, whose parties have never been able to command much more than 20 percent support among Palestinians until now. The failure of the peace process to ease the plight of the Palestinians and Israel's brutal response to

in late November, "Moscow's interest and action in Afghanistan and the surrounding region will be dictated in large part by the attitude of the Russian oil and gas monopolies" that helped make Putin president. (Remember that in the mid-'90s, America's previous "ally," Boris Yeltsin, opposed U.S. plans for a pipeline linking Afghanistan's vast gas and petroleum resources to the Indian Ocean via Pakistan.) The Alliance may have welcomed Russian troops back into Kabul on a "humanitarian" mission, but the Pashtuns hate them with a vengeance—quite literally, after the horrors inflicted on them during the Soviet occupation.

the uprising already has strengthened the extremists' hand. The destruction of the secular leadership of the Palestinians and a harsher occupation would all but ensure a spectacular rise in support for them.

Even dramatic developments such as these, however, would not alter the substance of the conflict. The question is not whether Israel gets rid of Arafat and the Palestinian Authority. The only real question is how many more innocents must die before Israel decides to return to the negotiating table and work out a serious plan to end the occupation—and the conflict the occupation propels. ■

Hussein Ibish is communications director of the American-Arab Anti-Discrimination Committee. A version of this article originally appeared in the *Los Angeles Times*.

Bush's militarization of the campaign against terrorism not only has provided Moscow with an excuse to re-enter the "great game" in Afghanistan, but it also gave Ariel Sharon—the war criminal of the Sabra and Shatila massacres—political cover to escalate his war against the Palestinian Authority. Just as it was Sharon's deliberately provocative visit to the Dome of the Rock that launched the second *intifada*, so Sharon's state terrorism—assassination of Palestinian leaders, the bulldozing of Palestinian homes—provoked the terrorist atrocities when suicide bombers blew themselves up in Jerusalem and Haifa, the kind of riposte Sharon knew was inevitable.

Sharon's repeated calls for Yasser Arafat to command "seven days of peace" before Israel would return to the negotiating table is cynical hypocrisy.

The *New York Times* and others around the world have reported how Israeli intelligence told Sharon that Arafat is simply unable to control the terrorists of Hamas and Islamic Jihad,

whose appeal to frustrated public opinion is now greater than Arafat's own in the wake of Sharon's expansionist policies. Now, with a green light from the Bush White House, Sharon has started a bombing campaign aimed at the Palestinian Authority's police and at Arafat's personal guard—precisely the organs Arafat would need to have any hope of combating the terrorists in his midst. That's one reason all 10 Labor Party members of Sharon's coalition cabinet boycotted the vote to "treat the Palestinian Authority like the U.S. treats the Taliban," as Sharon's spokesman put it. When Arafat is eliminated—either politically or physically—by Palestinian fundamentalists and secular hardliners, as Sharon hopes, that will lead to an all-out Israeli-Palestinian war—which Sharon thinks he can win, but which would sunder Bush's anti-terror coalition as Muslim countries are called upon to take sides.

Bush's coalition has already been undermined by his expansion of U.S. war aims to include eliminating Saddam Hussein's capacity to use weapons of mass destruction. Warnings not to attack Iraq are coming not just from the Saudis, the Kuwaitis, the Egyptians and others in the Islamic world whose support is critical to dismantling terrorism's

global reach. Germany's Gerhard Schroeder has declared publicly that a new war on Iraq would set the entire Middle East aflame, and most of our European allies—except for Italy's Silvio Berlusconi and England's Tony Blair—agree. Even Blair's government, however, has let it be known that only irrefutable proof Saddam was involved in the September 11 horrors could justify an attack on him. But, as Shimon Peres told the Bushies on his last visit to Washington, the Israeli Mossad—which is infinitely better informed on the Middle East than the CIA—could not find an Iraqi connection.

A new air campaign against Iraq would not eliminate any remaining or new weapons of mass destruction Saddam may have—after all, damage assessments after the Gulf War showed that only 40 percent of Saddam's weapons of mass destruction had been hit effectively. The Gulf War also proved that air power alone will not topple the Ba'ath regime. As *The New Yorker's* Seymour Hersh recently put it on CNN: "Every U.S. bomb that falls on Iraq makes it easier for Saddam to hold onto power."

Surely diplomacy should at least be tried before a new war on Iraq—with its incendiary consequences for Islamist terrorism—is launched. But Bush's "good vs. evil" mindset allows for no such option, even though there are signs that a deal is possible. On November 16, the *New York Times* reported that Iraq had rejected a deal to lift sanctions in exchange for renewed weapons inspections. But as conservative columnist Robert Novak reported, "Ambassador Mohammed Aldouri, Iraq's representative at the UN, immediately wrote the *Times* denying its account, [and] implied that Iraq would be open to [such] a deal. ... The letter was never published."

With Bush's coalition as yet unwilling to back a war on Iraq, his *ad seriatum* military strategy will likely next target Somalia and Sudan (perhaps Lebanon or Syria) once the U.S. declares its military campaign in Afghanistan over. That would give the administration time to try to forge a new anti-Saddam alliance so as to create a fresh wave of American jingoism to benefit Bush's re-election. But the Gulf War waged by Bush père and a decade of sanctions that punished the Iraqi people—killing perhaps as many as a million Iraqi children—only stoked the fires of Islamist terrorism and gave the likes of bin Laden new propaganda weapons. This, too, is a lesson that history teaches us. We will ignore it at our peril. ■

History on the Homefront By Doug Ireland

Two more lessons.

Primo: In the wake of the bioterrorism scare, the Bush administration is pushing state legislatures to adopt a draconian new quarantine law. The model law drafted by Bush's Centers for Disease Control permits forced vaccinations and quarantines of people exposed to infectious disease, orders police to restrain residents by force from leaving contaminated areas, drafting doctors and the like. The proposed law "treats American citizens as if they are the

enemy," argues George Annas, chairman of the Health Law Department at the Boston University School of Public Health, who led 10 New England health law scholars in opposing the law.

But in Massachusetts, where GOP Gov. Jane Swift has introduced a version of the Bush-proposed law that includes not only forced detention of infected persons, but seizing of hospitals and confiscation of infected persons' property. "History shows [that quarantining] is littered with violence, questionable imprisonment, and

mob panic," said the *Boston Globe*. "As late as the turn of the century, Boston 'virus squads' beat and forcibly vaccinated homeless people" in a smallpox epidemic. And, the *Globe* added, "little proof exists that the drastic measures worked to stop disease spread."

This proposal for a public health police state would only spur people to panic and flee, thus spreading deadly germs even wider. There's another huge danger in the Bush-backed law. The CDC draft model authorizes quarantine for "any infectious disease that can be transmitted from person to person," a definition so broad that it includes HIV. Calls for quarantining

Forgotten Freedoms

by **Salim Muwakkil**

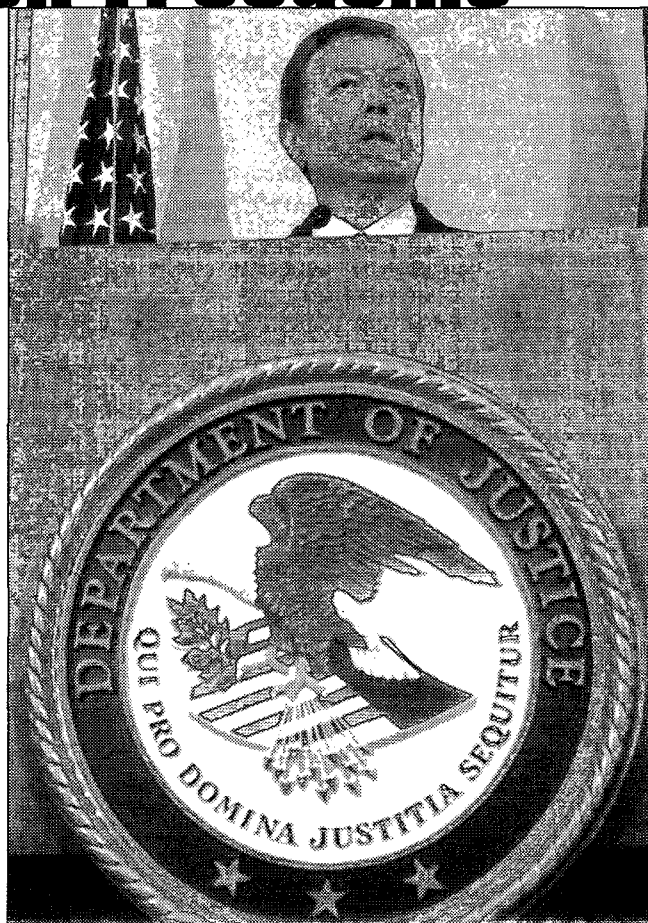
Citizens of the United States, be advised that the federal government can now examine your medical, educational and financial history, all without your knowledge and without even presenting evidence of a crime.

Police now can obtain court orders to conduct so-called sneak-and-peak searches of your homes and offices and remove or alter your possessions without your knowledge. Internet service providers and telephone companies can be compelled to turn over your customer information, including the phone numbers you've called and Internet sites you've surfed—all, again, without a court order, if the FBI claims the records are relevant to a "terrorism investigation." A secret court can permit roving wiretaps of any telephone or computer you might possibly use; reading your e-mail is allowed, even before you open it.

These are just some of the provisions of the USA PATRIOT Act of 2001—the bill's title is an acronym for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism"—which President George W. Bush signed into law on October 26. In passing the legislation, Senate Majority Leader Thomas Daschle said Congress was "able to find what I think is the appropriate balance between protecting civil liberties, privacy, and ensuring that law enforcement has the tools to do what it must."

The fears provoked by the kamikaze hijackings and the anthrax incidents that followed explain why many legislators have been less protective of civil liberties. Those progressive legislators who supported the legislation said the unique and deadly circumstances of the 9/11 attacks already had predisposed them to support strong action, and many noted that a sunset provision would allow the bill's most controversial surveillance sections to expire in 2005. But the Bill of Rights was designed to offer a judicial sanctuary from political passions. If progressive legislators don't make that clear, who will?

The events of 9/11 make it plain that the United States has enemies willing to die for their cause, and it would be impractical, even foolish, to deny the need for increased national



vigilance. Ratcheting up our security is necessary, if only to enhance citizens' sense of well-being. And, according to a *Newsweek* poll reported in the publication's December 10 edition, "86 percent think the administration has not gone too far in restricting civil liberties in its response to terrorism."

The import of the USA PATRIOT Act was presaged by the Clinton administration's anti-terrorism bill of 1996, which broadened the government's investigative and prosecutorial

people with AIDS were commonplace in the epidemic's early years in the '80s. Now they're being heard again—and in surprising places.

The November *Washington Monthly* features an article by a former national security official proposing a forcible quarantining of "promiscuous" gay men who engage in "barebacking" (anal sex without condoms). It cites Dr. Jeffrey Klausner, San Francisco's director of Sexually Transmitted Disease Control Services, as supporting the idea. As the long war continues to drive public opinion to the right, there could come a day when the U.S. joins the 11 other coun-

tries—representing "25 percent of the world's population," according to Reuters—that "require forced quarantining of HIV infected persons."

Secundo: Bush's proposal to try suspected terrorists in secret military tribunals is being compared by the president to FDR's World War II decision to do the same for German saboteurs. But there's another historical analogy Bush conveniently overlooks. At the height of the war, Stalin demanded that Nazi leaders, when captured, should be shot on the spot. FDR, with Churchill's agreement, instead insisted that the Nazi chiefs be

judged according to the principles of law, in public trials, where their crimes could be exposed.

It has been more than 50 years since the trials at Nuremberg, and all who love liberty today rejoice that the Nazis were called to account under principles of law that have been extended to indict and try the likes of Slobodan Milosevic. Any attempt to draw a lesson in morality for the world in the roundup of terrorists will disappear if Bush insists on brutal and primitive vengeance camouflaged by a parody of justice. Altogether now, complete this famous phrase: Those who do not learn from history ... ☐

powers. And even before that, the Foreign Intelligence Surveillance Act of 1978 allowed the wiretapping of non-citizens by approval of a secret court with secret evidence. But this new legislation ups the ante considerably. "This new legislation goes far beyond any powers conceivably necessary to fight terrorism in the United States," says Laura Murphy of the American Civil Liberties Union. "The long-term impact on basic freedoms in this legislation cannot be justified."

Leading the charge in the wake of 9/11 is Attorney General John Ashcroft, who, for starters, launched a nationwide dragnet that rounded up more than 1,000 foreign nationals and detained most of them on minor immigration charges. Many have since been released after officials found they had no connection to terrorism. As of December 6, 603 foreign nationals remain in custody. On Halloween, Ashcroft issued an order allowing federal authorities to monitor communications between federal prisoners and their lawyers without first obtaining a judicial warrant. He argued that this new power is necessary to prevent terrorist attacks planned under cover of lawyer-client privilege.

The administration's power grab is so audacious that it has prompted a new alliance between the civil-liberties left and the libertarian right. *New York Times* columnist William Safire characterized Bush's strategy as "a sudden seizure of power by the executive branch, bypassing all constitutional checks and balances." The ACLU, joined by 16 other civil rights and human rights groups, filed suit on December 5, charging the Justice Department with violating the Constitution and federal law through its detention policies.

Mining public fears for all the right-wing treasures he can get, Ashcroft also has proposed relaxing restrictions on the FBI's spying on religious and political organizations. The guidelines Ashcroft has targeted were imposed on the FBI in the '70s after the death of J. Edgar Hoover and revelations about the COINTELPRO program—which included disclosures of the agency's surveillance and harassment of Martin Luther King Jr. In Chicago, activists recently commemorated another poignant signpost of COINTELPRO infamy: the police assassination of Black Panther leaders Fred Hampton and Mark Clark on December 4, 1969. COINTELPRO ultimately was condemned as "little more than a sophisticated vigilante action" by the Congress and shut down.

But under Section 802 of the USA PATRIOT Act, a person commits the crime of "domestic terrorism" if he engages in activity "that involves acts dangerous to human life that

violate the laws of the U.S. or any state and appear to be intended: to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination or kidnapping." This definition of terrorism could allow the feds to go after environmental, civil rights or anti-globalization groups, among others, for their dissenting views or direct-action protests.

Right-wing extremism is always fertilized by external threats. At its most notorious extreme, Adolph Hitler's Nazi Party rose like a rocket after the 1933 Reichstag fire convinced the German people that the Bolsheviks were out to get them. At the Nuremberg Trials, Hitler's second-in-command, Hermann Goering, aptly explained the process: "The people can always be brought to do the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked, and denounce the pacifists for lack of patriotism and exposing the country to danger."

This eerily familiar formula is so effective that it has become enshrined in U.S. traditions, even if it violates strictures of the Constitution. During times of war, the chief executive has implemented many extra-constitutional edicts: Abraham Lincoln unilaterally suspended *habeas corpus* during the Civil War; the infamous, anti-Communist Palmer Raids of 1920 arrested thousands of people without warrants or due process; Franklin D. Roosevelt ordered the internment of more than 100,000 Japanese-Americans in squalid camps. In retrospect, these excessive actions invariably have been condemned as historical blemishes.


But today's policy-makers seem oblivious to the lessons of history as they implement actions that echo—and amplify—those past excesses. Roosevelt also ordered a special military tribunal for eight accused Nazi spies, six of whom were later executed. The Supreme Court upheld Roosevelt's tribunal as it has most other questionable actions of wartime presidents. And the Bush administration has used the top court's 8-0 decision in 1942 as a precedent to bolster the president's own proposed military tribunals. Bush has assumed unchecked power as commander-in-chief to detain and try any non-citizen he suspects of committing terrorist acts or helping international terrorists. These suspects can be secretly arrested, tried, convicted and executed even if prosecutors failed to prove their case beyond a reasonable doubt.

Like the Bush administration's war, the future of our civil liberties is fuzzy and indeterminate. Since this is a war on the tactic of "terrorism" rather than on a tangible enemy, there is no entity to offer a formal surrender. The "war"—and the concomitant wartime powers and prerogatives—can be extended indefinitely; only the Bush administration has the power to declare the war's end.

Soon after 9/11, Bush said the people who perpetuated the terrorist murders hate America because of "our freedoms." After a few more executive orders and congressional capitulations, they won't have much left to hate. ■

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The AFL-CIO regroups and hopes to rebound in 2002

Better Luck Next Year

By David Moberg

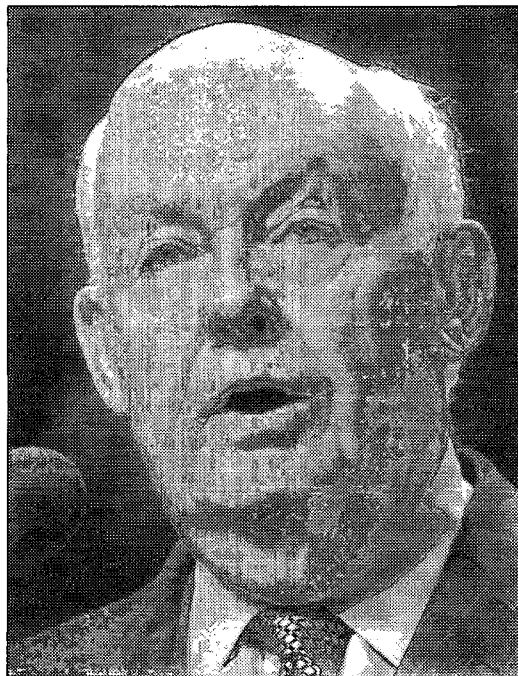
LAS VEGAS

This has not been a good year for American workers or their unions. First, George W. Bush took office and immediately began rolling back worker protections and giving away a shrinking budget surplus to the wealthy. Then recession set in, spreading woes that had already afflicted beleaguered manufacturing industries. And beyond the immediate tragedy of September 11, the terrorist attacks tanked several hundred thousand jobs in travel and tourism, worsened the general economic downturn, raised suspicions about immigrants, and gave the Bush administration an excuse to curtail civil liberties. The momentum of burgeoning movements for immigrant rights, global economic justice and curtailment of sweatshops abruptly halted in an atmosphere of confused and distraught public sentiment.

As union representatives gathered here for the biennial convention of the AFL-CIO, the mood was subdued and sober. Organized labor movingly paid tribute to the working people, including 733 union members, who died in the hijacking and terror attacks, celebrated the heroism of the rescue and recovery workers, and angrily tallied both the job losses and the callous and greedy actions of corporations and their political servants in the White House and Congress. There were few new initiatives, as labor's national federation re-elected without dissent its current leadership, including president John Sweeney, for another four-year term.

There also were rumblings of discontent with labor's progress and some refreshingly frank admissions of shortcomings by Sweeney himself. Yet in the end, most remarkable was the determination of the labor movement not to hunker down, as it did under Reagan in the '80s. Instead, union leaders appeared resolved to push more vigorously its program of grass-roots political activism, aggressive organizing, and progressive global and domestic policies, including—despite the less favorable climate—continued advocacy of immigrant rights.

The war on terrorism may complicate matters for organized labor, but it is not likely to paralyze unions, which fought



AFL-CIO President John Sweeney

hard—but unsuccessfully—to block “fast track” trade promotion authority for Bush (the measure passed in the House by a single vote). They also continue to press both Democrats and Republicans to deliver an economic stimulus program that emphasizes financial help for the unemployed and low-income workers (extended unemployment compensation, direct subsidy of health care costs for the unemployed, federal aid to states and localities, and infrastructure spending), not tax cuts for big businesses.

A few leaders shared Jesse Jackson's well-received plea for labor to hit the streets in protest of Bush's policies and growing worker hardship. Gandhi, Jesus and Moses all marched, argued Mineworkers President Cecil Roberts, “and Moses didn't send Pharaoh no e-mail or fax” (both of which delegates could send from convention terminals using a new system for mobilization of union members via the Internet).

While Sweeney commended Bush for the conduct of the war on terrorism, he warned that “he and his corporate backers are waging a vicious war on working families ... and we condemn them for all of that.” Indeed, even if the scattered doubts on the war were kept private (one leader, for example, questioned why labor should trust leadership of the war to a man they trust with nothing else), there seemed to be little war fever. With only one voice of dissent in its executive council, the AFL-CIO strongly criticized Bush's wartime measures, like the USA PATRIOT Act, “that threaten civil liberties [and] hand our adversaries a partial victory by degrading the essential guarantees upon which our nation is founded.”

With midterm elections coming next year, union strategists hope that the political machinery honed during Sweeney's first six years can capitalize on popular outrage at corporate and Republican greed to deliver victories to labor-backed candidates. By systematically registering union household voters, deluging them with information on populist economic issues and candidate positions (most effectively through personal contacts at work) and turning out the vote, the labor

movement has dramatically raised the union household share of the electorate and their support for labor-backed candidates. Without union voters, argues AFL-CIO political director Steve Rosenthal, Gore would have lost by a wide margin last year and Republicans would hold 61 Senate seats, instead of 49. Yet with the votes of just 3,000 more union members in five congressional districts, he calculates, Richard Gephardt would have been Speaker of the House.

Labor makes a strong case that helping unions organize new members is the best way for progressives to regain political power at all levels, and unions are demanding that candidates promise to aid unions and neutralize hostile employer campaigns against unionization as a condition of support. Gerald McEntee, president of AFSCME (public service workers), acknowledges that "we let ourselves and working families down by not talking to politicians about this enough in the past."

The new link of politics and organizing is paying off. In California, Gov. Gray Davis, a Democrat who intermittently favors labor, supported rules requiring state and public university employees to join or pay fees to unions in their workplaces; he also signed legislation prohibiting use of any public subsidies, contract payments or other funds to fight unionization. New York Republican Gov. George Pataki signed legislation in a televised speech to the convention giving workers not now covered by state or federal labor laws the right to union recognition simply by signing membership cards. The move will mainly benefit workers at new Indian-owned casinos in the state, but it gives added stature to the "card check" strategy used by many unions to bypass frustrating National Labor Relations Board elections. And Jim McGreevey, a Democrat recently elected governor of New Jersey with strong support of the state's unions (which had boosted registration of union members to 77 percent from less than 50 percent five years ago) pledged at the convention to be an "advocate" for labor and institute several pro-labor measures as his first acts in office.

A growing number of labor leaders, like Bruce Raynor, president of UNITE (apparel and textile workers), want unions to be more aggressive and more independent, giving money directly to neither party and endorsing candidates—no matter what their party—only when they will support unions and working people. Increasingly, labor is also seeking clout and independence by running union members for office. Having more than fulfilled its goal of electing 2,000 union members to public office in 2000, the AFL-CIO has now set a target of 5,000 union members in office. "It will be sort of our labor party in the United States," McEntee says.

The success in retooling union political efforts has not been matched in organizing, as Sweeney acknowledged to the convention, calling the labor movement's continuing failure to organize even at a pace to maintain its share of the work force the "harshest judgment that history can make" about labor's leaders.

There have been large-scale successes over the past year or two—including campaigns organizing janitors on the East

Coast, wireless communication workers, home care workers, commercial laundry workers, nurses, public employees, roofers in Arizona, teaching assistants, airport employees and aircraft engineers—and there are plans for other big drives, including joint efforts to organize 50,000 port truckers and 15,000 Gulf Coast ship workers, as well as the final stage of a long drive to organize 20,000 flight attendants at Delta Airlines. But even the few unions that are doing the best work fall short of the pace needed for the labor movement to hit its goal of organizing a million new workers each year—and many big unions are still doing relatively little.

Yet some union leaders are starting to question how the AFL-CIO spends its money and how effectively it advances organizing. The federation has been running a deficit, but many individual unions also are financially squeezed as layoffs rise and dues drop. And while Sweeney remains personally popular, there was an undercurrent of discontent among individual union leaders coupled with a desire to play a greater role in deciding the direction of the movement. The tightly scripted convention, which offered no opportunity for discussion, reinforced their sense of frustration.

Despite some setbacks and shortcomings, labor is showing some signs of a rebound. Although rapidly increasing health care costs and layoffs make bargaining more difficult, Minnesota state workers struck successfully in late September, and HERE (hotel workers) won a strong contract in Boston in early December, including a guarantee that employers

would be neutral and abide by a majority of signed union cards at any new hotel. Also, although union leaders recognized that the terrorist actions have set back prospects for immigration reform, they resolved to push forward vigorously for legalization and better protection of immigrant rights, starting with a new national round of public forums early next year. "Despite one of the toughest years in our history, the union movement is better poised today to make working Americans' voices heard than we believed would have been possible six years ago," Sweeney argued.

The next four years will test the adequacy of that preparation. "This convention is a turning point," Raynor says. "We've grieved. Now let's get back to work." ■

**Labor
makes a
strong case
that helping
unions
organize
new
members is
the best
way for
progressives
to regain
political
power.**

Racism on Trial

Two Michigan cases may force the Supreme Court to reconsider its stance on affirmative action

By Alex P. Kellogg

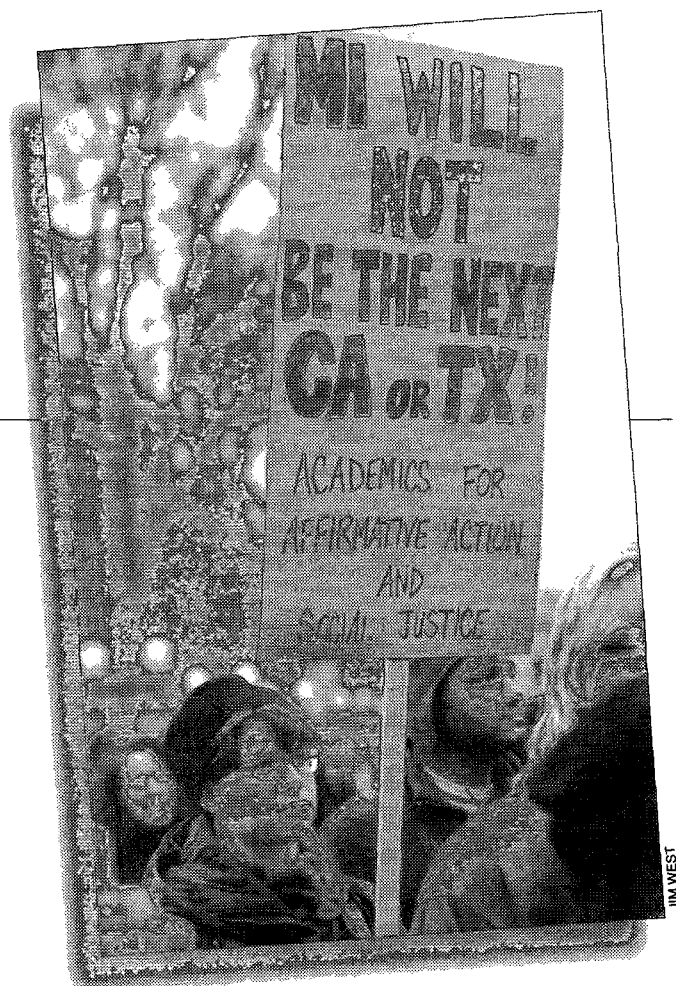
Do colleges and universities have the right to consider the race of applicants who come from historically disenfranchised minority groups?

This question will once again be addressed when two cases challenging the University of Michigan's use of affirmative action go before a federal appeals court in December. These cases may force the Supreme Court to reconsider whether colleges and universities can give a boost in admissions to under-represented minorities, something they have always done for athletes and the children of alumni and major donors.

A handful of white plaintiffs claim that Michigan's undergraduate and law school admissions policies violate their constitutional right to equal protection by giving a numerical boost to under-represented minorities in an admissions formula similar to that used to award athletes and others. In defense, the university has compiled a mountain of empirical evidence to prove diversity has positive, measurable educational benefits. But what makes these cases unique is the presence of a group of minority student co-defendants who fought a lengthy legal battle to join the legal dispute, claiming that past and present discrimination, both on and off college campuses, is reason enough for affirmative action. "This is the first case where minority students will be able to ... basically put racism on trial," says Erika Dowdell, a Michigan senior and co-defendant in the suit against Michigan's law school.

When the lawsuits were first brought against Michigan in 1997, the NAACP, ACLU and other civil rights organizations called on minority students across the state to volunteer to intervene in the trials as a third party. When Dowdell was still in high school, she and 57 other minority students joined together to wedge their way into the two lawsuits. After two years and multiple appeals, they finally won that right, arguing that their defense of affirmative action was distinct from Michigan's diversity defense, and compelling enough to warrant inclusion.

The students and their lawyers plan to demonstrate how historic and structural racism in American society has denied under-represented minorities equal access to higher education and comparable secondary education. Dowdell says she has experienced educational discrimination first-hand, point-



ing out that although she received one of the best learning experiences Detroit had to offer—courtesy of one of its top magnet high schools—even the best inner-city schools can't compete with those in the city's wealthy, mostly white suburbs. "We didn't have the books and supplies that schools in the suburbs had. We didn't have equal access to educational opportunities. Affirmative action is supposed to correct for racism like that."

On the flip side of this debate is The Center for Individual Rights, which has made the fight against affirmative action its *raison d'être* in recent years. The CIR has taken on cases in Texas, Georgia, Washington and California that have helped end affirmative action in those states. "Race, like religion, must be placed beyond the reach of the state," reads the CIR's mission statement, which does concede that "preferences are ... legal when narrowly tailored to remedy past discrimination against identifiable groups." (African-Americans, somehow, do not fall into that category.)

While affirmative action advocates have lauded Michigan's defense, which essentially boils down to a mountain of empirical evidence, the interveners take issue with

the fact that it doesn't discuss past and present discrimination. Dowdell says schools don't want to talk about their legacies of exclusion, or their complicity in perpetuating discrimination. Adds Ted Shaw of the NAACP Legal Defense Fund, lead counsel for the student interveners in the undergraduate lawsuit, "Institutions are not willing to fall on their own swords and admit the discrimination that they engaged in [now] justifies affirmative action."

What has been missing in many cases, say the students and their lawyers, is the inclusion of minority voices. "If one thinks about the posture of these so-called reverse-discrimination cases," Shaw says, "it goes like this: You have white plaintiffs who claim that they have been rejected in admissions by a prejudiced white institution because the institution has been accepting less qualified minority students. Left in that posture, you have no representation of minority students."

As Shaw points out, there's something drastically wrong with this picture. "Ultimately, we have the most at stake," he says. "It would be absurd to see these issues litigated and resolved without the voices of those who have the most at stake and the most to lose."

The Supreme Court has not revisited the issue of race in college admissions since its landmark 1978 *Regents of the University of California vs. Bakke* ruling, which struck down the use of quotas but upheld the right of institutions to use race, like other factors, as a plus in admission. The elimination of any consideration of race in college admissions and elsewhere by statewide referendum has rendered the point moot in California, Texas and Washington—all states where the issue had faced legal challenges and multiple appeals.

The University of Georgia, which lost legal challenges to its consideration of race in admissions on appeal earlier this year, decided in November not to appeal its cases to the Supreme Court, noting that Michigan's empirical defense of diversity was stronger than the anecdotal defense Georgia had used. "A Supreme Court case has implications far beyond our unique circumstances here," said Stephen

College admissions remains one of the few realms where race can still be considered at all—and even there, its longevity appears precarious.

Portch, chancellor of the university system in Georgia. "Decisions from such cases impact the entire nation. We do not take that fact lightly."

Two lower courts have already split on whether Michigan narrowly tailors its consideration of race in admissions in accordance with *Bakke*. While Michigan's use of affirmative action in undergraduate admissions was upheld by a federal

judge in January, its use of affirmative action in law school admissions was struck down by a different federal judge in April. The Sixth Circuit was scheduled to hear oral arguments in both cases on December 6, as *In These Times* went to press.

But no matter how compelling the evidence—and even if the Sixth Circuit agrees with the student interveners—the Supreme Court, dominated by so-called strict constructionists, is not likely to be easily compelled by either the university's or the students' defenses of affirmative action. The court's current make-up has changed drastically since the *Bakke* decision. In the past two decades, justices have struck down race-specific scholarship programs and other federally funded minority-targeted programs. In fact, college admissions remains one of the few realms in which race can still be considered at all—and even there, its longevity appears precarious.

Yet the end of affirmative action in a number of states—and the very real possibility of its end nationwide—may not mean the end of diversity on college campuses, despite what many have feared. In several states where affirmative action has been outlawed, opponents and supporters have come together on measures that may end up helping minorities even more. That's good news for minorities from poor school districts, in particular, who often haven't benefited enough from affirmative action, which has been shown to benefit white women and middle-class minorities more than underprivileged people of color.

California, Texas and Florida, for example, have introduced automatic admittance measures to correct for the drastic drops in minority enrollment at some of their top institutions. After banning affirmative action in Florida, Gov. Jeb Bush signed into law a measure guaranteeing admission to a public institution to the top 20 percent of every public high school class. His brother, George W. Bush, enacted a similar measure for the top 10 percent of every class in Texas. And California, which has faced similar drops in minority enrollment, introduced a comparable measure—albeit confined to 4 percent of every class—last fall. After sharp drops at top schools in Florida and Texas, minority enrollments have recovered or even exceeded their previous levels.

Attempting to defend affirmative action to the last, some liberals are mistakenly shouting down such policies, while their former adversaries find themselves pushing these measures to remain politically viable among increasing numbers of minority voters. In the meantime, for once, rich (primarily white) parents in states with automatic college admittance measures find their kids at high-tech suburban schools measured on the same scale as poor black and Hispanic kids in the inner cities.

Through all the transforming positions and viewpoints in this debate, the central issue comes into focus: Access to equal opportunities in public education remains an unattained dream—and an issue that conservatives, in particular, might bemoan having brought to the table. ■

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Self Reliance

By Kim Phillips-Fein

It's hard not to envy the radical political scene of 100 years ago. Then, being a socialist might have meant, in France, pamphleteering for reform; in Germany, trade union organizing, the dreamy explosion of the general strike; in

**The Situation and the Story:
The Art of Personal Narrative**
By Vivian Gornick
Farrar, Straus and Giroux
112 pages, \$21

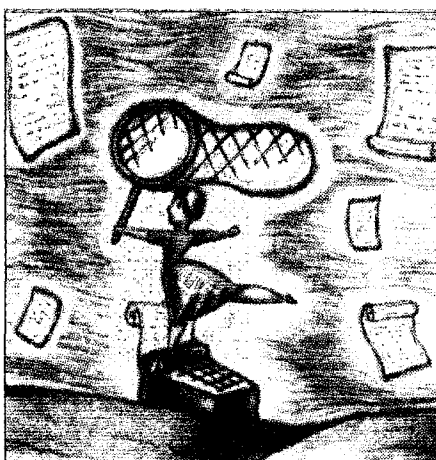
Russia, clandestine cells and whispers underground. But despite their rich political practices, the radicals of the last century didn't think too much about what it meant for an individual to devote his or her life to political change. The German socialists believed the art of politics secondary to material conditions; for Lenin and the secret organizers under the Czar, it was a stab into the unknown by a small band of visionaries, who would tear the fabric of everyday life so that the masses might rush in. Both excluded a sense of the subjective experience of political life, how politics might change not only the world but also the self.

It fell instead to Max Weber, the nervous sociologist, to give an account of the inner world of the one who lived for politics. In his famous late-life address to the students of Munich, "Politics as a Vocation" (1918), Weber described the outlook and character of the person for whom life gained "meaning in the service of a 'cause.'" The disciplined activist was no utopian inspired by a beautiful vision, devastated by the world's failure to live up to it. The mandate of action brought the chaotic interior world of the dreamer into a confrontation with the hard facts of reality. Action meant submitting to the daily grind of politics, to the "steady and slow boring of hard boards." It required an absolute willingness to face defeat without retreating into fantasy or despair. At the same time, it demanded a consistent faith in the cause, for without this, "the knowledge of tragedy with which all action, but especially political action, is interwoven" would make any motion impossible. Pitting the unbounded longings of the self

against real experience, politics brought direction to the frantic stasis of life.

Though there are few contemporary writers who think of politics as anything like a calling or vocation, Vivian Gornick, feminist and daughter of Jewish socialists from the Bronx, is one of them. This may be a surprise for those familiar with her later work: Gornick's best-known book, *Fierce Attachments*, is a memoir of her relationship with her aging mother, and her topics have ranged generously over writing, literature, friendship, New York—a female walker in the city.

But in her first major book, *The Romance of American Communism*, she



explored what it meant to have a "calling for politics." Here, she suggested that politics could be a "disciplining context," bringing the essential features of the self out in hard relief. Political consciousness shone a bright light into an inner world normally cloaked in shadows. It winnowed away the messy ephemera of daily experience, separating blurry grays into hard lines of black and white.

But like any Promethean enterprise, politics was dangerous. The light of illumination also had the power to blind. Handling it too closely, human beings ran the risk of being overwhelmed. Ideology might harden into dogma, solidarity into exclusion. The creative force that originally gave people a new way of understanding the

world—and themselves—ended by cutting them off from both.

In her more recent writing—*Approaching Eye Level*, a collection of essays about living alone in New York City, and *The End of the Novel of Love*, essays on literature—Gornick has stopped talking about politics. Instead, her subjects are New York weekends, street life, the solitude of writing, Hannah Arendt's love affairs, the Catskills in the '50s. *The Situation and the Story: The Art of Personal Narrative* completes this turn away from politics. Here, she explores how writers use their own lives in their work, how the author creates a "narrator ... out of his or her own agitated and boring self." The work of writing—the daily struggle at the keyboard, the slow creation of the narrative voice—has become, for Gornick, the central motif of self-invention.

But oddly enough, Gornick's own narrative voice now sounds at loose ends. As a story, the craft of writing does not seem to move her in the way that political engagement once did. The stark tragedy of politics gave Gornick the power—like nothing else she has found as a writer—to transform the random elements of life into a story, to arrange the collage of experience into a coherent self. Instead of drowning the whispers of inner life with the trumpet of ideology, political engagement and struggle gave shape to Gornick's vision of the world; far from destroying individual personality, politics gave it room to grow. Absent politics, her writing seems confined within a narrow inner world, her themes smaller than they once were—or need to be.

The Romance of American Communism—based on a year's worth of oral interviews with ex-Communists—drew a portrait of the Communist experience that was the inverse of the long-held stereotypes of party members as mindless automatons, Stalin's marionettes. Gornick began with her parents in the working-class world of the Bronx, of "immigrant Jews and disenfranchised workers," who, seated around the kitchen table arguing politics late into the night, were transformed into "thinkers, writers, poets," the makers of the world. She went on to describe the variety of people who entered the party: the Polish-born worker cleansed of the slaughterhouse's bloody stench by three-

in-the-morning party talk; the beautiful daughter of Philadelphia socialites; the American rebels, children of dusty Midwestern poverty.

The party's magnetic attraction was in part due to Marxism, which brought culture, history, the globe within reach, so that the full range of human achievement became the property of the dispossessed. But it was more than this: The sense that there was something fundamental at stake in what each individual man or woman did, that every individual bore a deep responsibility to the cause and to the other people involved in the movement, brought out each person's distinct character. The seriousness of the commitment and the size of the stakes tapped each one's deepest reserves of fear, anger, courage and idealism: "The more each one identified himself or herself with the working-class movement, the more each one became individually alive."

From this height, the American Communists fell to tragic depths. The vision of life the party offered, the jolt of political insight, made ordinary life seem mundane and lonely. Compared to the heat of solidarity, the ambivalence of daily love and friendship was fraught, empty. But beyond this, the idea of the self that the party spoke to—the human being as political revolutionary, engaged in the quint-essentially modernist project of understanding and remaking the world—blotted out the full complexity of human emotions. The clarifying power of the political narrative eventually blinded people to each other and to themselves. The ideas that created the self and gave people a sense of purpose—that spoke to the deep need of human beings to "live a life of meaning"—crushed them. Gornick tells of the musician whose party work meant turning away from her piano; the artist who put his paints away to "go into industry"; the devoted party members who watched their comrades turn on them, then on each other. Communism fed one longing of the human soul, but in so doing, it starved the rest.

In the end, all the people Gornick spoke to left the party, exhausted by the schizophrenia of the Nazi-Soviet Pact, the 20th Party Congress, going underground and becoming "unavailable" and being hounded out of one job after another during the McCarthy years. Yet many of them still could not help but speak

about the party in tones of loss. Once they found themselves adrift in the long exile of the rest of their lives, these refugees never recaptured in any other domain a similar animating story to give coherence and meaning to the self, to render the world comprehensible and whole.

The more each party member embraced the movement, "the more each one became individually alive."

In *The Situation and the Story*, Gornick says nothing about *The Romance of American Communism*. The book is designed as a primer for writers and is based on Gornick's experience teaching in MFA programs. But to quote the old Communists, it seems no accident that Gornick implicitly dismisses her political writing. In this new book, she juxtaposes her youthful work with what she sees as her real craft, the personal essay. As a journalist, "politics had provided me with a situation, and polemics gave me my story." When she stopped writing journalism, she had to look for another way of transforming life into art.

What she hit upon was the invention of the narrative voice, the way she and other writers—Joan Didion, Edward Hoagland, Natalia Ginzburg, on topics ranging from marriage to migraine headaches—create themselves as characters. Her new concerns echo those in *The Romance of American Communism*: People come to understand themselves not through organic experience, but through constructing a narrative. The writer must be "possessed of an insight that organizes the writing" and create "a persona ... to serve the insight." The difference is that when Gornick wrote about politics, ideology was her insight; now, it's the narrative voice.

Yet no situation has galvanized Gornick as a storyteller in the way that politics once did. Nothing else has provided her the same sharp focus for the drama of self-creation. Politics, for Gornick, forced people to confront the real facts of their experience, in such a way that they could no longer act or live

as they had before. The struggle was explosive; it had propulsive force, replacing the nebulous whirlwind of emotion with transformative action. Elsewhere, Gornick has referred to herself as a "born ideologue," someone who thrives on absolutes. Yet her journey as a writer has been in flight from politics, almost as though she finds this side of herself tendentious, immature.

Her later writing depicts a quieter conflict, of a woman divided within herself, not entirely sure of the way out. In *Approaching Eye Level*, her story is the anxious drama of making a life alone, outside of marriage, as a writer in New York City. It is a tense struggle with no conclusion, in which the chief adversary is her own loneliness. There are moments of acute beauty in the book, which is essentially about living a life without the support of an easy narrative, the struggle to hold on to oneself while remaining aware of one's own ambivalence about everything. It is, almost by definition, a story without a plot. Yet without the foil of challenge, the brace of confrontation, Gornick's narrator gets tangled up in her inner life, hands closing on empty air.

For some writers, the hall of mirrors of the self is the natural medium. Kafka is the greatest of these—a writer whose work is a single dark hallucination, a portrait of his inner dissolution amplified into art. As he wrote in one of his diaries, his task was to capture his own "dreamlike inner world." But Gornick's persona—constantly seeking a fuller confrontation with the world—is the opposite. She needs to be in the grip of a struggle that lifts her out of herself, to be engaged in active self-transformation. So why does she exclude the power of political narrative to create the self in a book about personal memoir?

In the introduction to his novel *Bread and Wine*, Ignazio Silone writes that the political writer is tempted by "exaggeration, the theatrical, the romantic and the purely external description of things," rather than "the events of the inner life." One imagines that Gornick now subscribes to this contrast as well. In the grip of a lingering discomfort about how deeply politics can move her, she longs not to be a polemicist, and by leaving political themes, she thought she could approach a fuller, more honest depiction

of the self. But she has only moved away from it, into the monotonous drift of daily sorrow. It has always been politics, the drama of ideology, that helped her to bring deep feeling and insight to the repetitive, painful craziness of people

struggling to become themselves. In turning away from politics, Gornick has lost her situation—and her story. ■

Kim Phillips-Fein is a contributing editor of *In These Times*.

2G or not 2G?

By S.L. Wisenberg

Whose Holocaust is it? As the survivors of last century's great European atrocity grow older and their numbers dwindle, the question becomes more potent. Zosha

The Holocaust Kid
By Sonia Pilcer
Persea Books
180 pages, \$23.95

Palovsky, Sonia Pilcer's alter ego and the eponymous Holocaust Kid, doesn't hesitate to answer. It's hers, by birthright, because her parents lived through it. "I was a medium, Houdini of the Holocaust, which transmitted itself through me," Zosha says in the story "The Big H."

After hearing a line-up of ministers and poets at the first interfaith Holocaust symposium, Zosha derides those Johnny-come-latelies who use Auschwitz to darken their sonnets. Anxious for recognition, Zosha waits impatiently for her promised turn at the podium. Finally she marches up to the rostrum, as the audience departs, and she reads her poetry, only to be outdone. Another daughter of the Holocaust appears, an exaggerated, more damaged, clownish version of herself. This doppelgänger invites Zosha to a performance about remembrance and revenge (an unsavory event described in a later story). Zosha demands: "What is it about New York City? ... You do something and your only audience gives you a paper about what *she's* doing."

This is the world of the Holocaust Kid, intense, desperate, leavened by self-mocking humor. Billed as autobiographical fiction, these linked stories

form a picture of Zosha from her babyhood in a displaced-persons camp—a spark among the ashes—to her own parenthood of an American-born, rap-singing son.

Pilcer has written an often-printed essay about the Holocaust, called "2G," for Second Generation, the children of survivors. The Holocaust, she wrote wryly, "gives our life gravity and we cling to it. We would be ordinary without it." Pilcer also noted in "2G" that, ironically, the survivors have the

though later admitting to psychological damage. The mother moves from pleasure that her daughter has remembered the family stories to disgust that Zosha has invaded the parents' privacy. But Genia conveniently ignores her own trespassing. The title of this story is "Thieves," and invites the reader to reflect on what each generation takes from the other.

Pilcer lifts some pieces from the essay in two other stories. This is not a criticism—she acknowledges this is autobiographical fiction, going as far as to use a baby picture of herself on the cover, a photo that figures in two stories. This is not the coyness of Kathryn Harrison, who "self-plagiarized" by writing similarly about incest in both a novel and a memoir, or the sly murkiness of Lauren Slater's *Lying*, complete with an apparently fictional endorsement, and author's afterword extolling the "delightfully bendable" "narrative truth," which she prefers to the more rigid "historical truth."



TERRY LABAN

But Pilcer's book raises questions about fiction and nonfiction. One: If we did not know that Pilcer was 2G, would the book seem as authentic? Yes. Fiction needs to present a believable world that we care about, and Pilcer succeeds at that. Certain weaker aspects of the book might become forgivable in nonfiction, where the off-stage whisper that It Really Happened lends authenticity. But some passages aren't all that interesting, and they wouldn't read better if they happened to be strictly factual. And a number of the stories have weak endings, as if Pilcer hadn't quite decided how to shape the material. She'd have even fewer elements to choose from if she were dealing with the purely factual.

Her form may be weak at times, but the elements are often strong. In the first story, as in "2G" and more successful stories, the juxtaposition of new and old worlds works to great effect: " 'Genia, when you get to America, you must take Zosha to Hollywood. Get her a scream test,' insisted Mushka Schransky. She had lived as a Christian maid for the family of an SS soldier. 'I tell you, she could be a movie star.' " Enough said.

The second story is told from Genia's point of view in the postwar camp in Germany. At times the narrator is too distant, yet this story has some scenes powerful in understatement, presenting the ordinary interposed with the life-changing: "Thema Rosenkratz discovered her sister, Esther, long thought dead, at the *Tausgescheft*. She had come for salt. Esther was trading a chipped teapot for vinegar. Thema began to scream. Her dark hair was blond so Esther did not recognize her, and she had grown fat. Suddenly, she knew her sister. Dropping the glass bottle of vinegar, she ran to embrace her. You could smell vinegar for days."

There are emotionally rich scenes in "Paskudnyak," a story of Zosha's coming of age in the '60s in New York in a clique of "tough, cigarette-smoking" girls. Zosha's father taunts her by dangling her allowance in front of her, she's thrown out of a movie theater for passionately making out on the floor, and there's another apt juxtaposition: "You must look decent" on Shabbos, Zosha's mother tells her. "They tried to destroy us," she continues, "Now we must show how well we dress." As if that is all it would take.

Pilcer details the parents' survival during the war and their meeting after, showing us her mother's hope and father's emptiness and the deep yearning of both after the loss of family and home. We're given vivid portraits of the intrusive and over-involved mother, throwing herself into copying Vogue patterns on her sewing machine at home, the angry father who "burrowed himself into books like an animal in its hole."

Compared to beautifully realized passages and scenes about her parents' lives, Zosha's is rather thinly described. The men in two longer relationships (one, a husband) aren't brought to life. Her inner demons barely get a word in. It's as if Pilcer is afraid of overshadowing the parents' lives with the daughter's. It's not enough to title a story "Do You Deserve to Live?" and pepper it with some guilt and introspection ("How did a person live from day to day? Would I have traded my body for bread?") without really delving in.

The final story provides a happy end-

ing, a relaxing of family tensions, a movement from "the family opera" "to a poem, to a prayer, to the day when we will say Kaddish." The family deserves this respite. But as a reader I wanted, in

this story and in the entire book, more complexity and depth. ■

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Royals, Lords, Jesters

By Joshua Rothkopf

High drama, long-winded sagas, maybe even a little violence: Soon many of us will be returning home to family. What's that you say? Yours deserves a three-hour movie too? I thought so, but until the camera team touches down on the front lawn, we'll have to make do with other extraordinary clans: twirling von Trapps, blood-and-sauce-spattered Corleones—or at least those tough-loving Sopranos.

The Royal Tenenbaums

Directed by Wes Anderson

The Lord of the Rings: The Fellowship of the Ring

Directed by Peter Jackson

Ocean's Eleven

Directed by Steven Soderbergh

The Royal Tenenbaums is about a family of lapsed geniuses no less, three child prodigies uncomfortably reuniting with estranged parents and lovers at their New York townhouse, the rose-wallpapered site of so much former glory. If it sounds bittersweet, it is, but like the best family albums, *Tenenbaums* is split wide with open-heartedness, and equally generous with its triumphs and failures.

Is there a gentler chronicler of youthful ambition than Wes Anderson? With *Rushmore*, he gave uncommon voice to the smallest of objects, a boarding-school scrapbook of medals and awards, of kite-flying and elaborate stage plays of *Serpico*. Anderson tends to turn his frame into a proscenium, onto which march tiny performers and title cards. The effect would come off as precious were it not for a loving sense of preservation, even stronger in *Tenenbaums*: a closet stocked floor-to-ceiling with well-worn board games, a tiny helmet for a pet hawk that reads "Mordecai."

Anderson often crams it all into sprinting assemblages that have become his signature—exhilarating "accomplishment sequences" like Max Fisher's torrent of extracurricular activities in *Rushmore*. These make even more sense here, cataloging the long-treasured snapshots of a genealogy of over-achievers: Margot (Gwyneth Paltrow), a grant-winning playwright at age 15; Chas (Ben Stiller), a financial whiz-kid of "preternatural" gifts; Richie (Luke Wilson), a precocious tennis pro once known internationally as "The Baumer."

The kids are all grown up now, retreated into their private neuroses: Chas has lost his wife to a plane crash and monitors his two young sons, Ari and Uzi, with a drill sergeant's intensity. (The three of them, all clad in primary red Adidas tracksuits for the sake of quick spotting, make for a bizarre nucleus themselves.) Margot languishes in six-hour baths and an inert marriage, while Richie, after choking spectacularly on the court, roams the sea on passenger freighters. Anderson seasons these unresolved tensions with the unexpected return of Royal (Gene Hackman), the *pater familias*.

A disbarred lawyer freshly evicted from his hotel residence, Royal, who abandoned the family when his children were small, strains under his own life's shortcomings. One can't conceive of another actor inhabiting the tricky role—equal parts bluff, bluster and shame—much less nailing it as Hackman does, in the fulfillment of his masterful career. It's no stretch to imagine how he and his archeologist wife, played by Angelica Huston, could have produced such a whip-smart bunch. Royal's sensibility can take relief in being called a sonofabitch and not an asshole; he can ponder the consequences of his own betrayal of responsibility while treating his grandsons to a whirlwind

adventure of shoplifting, waterballooning strangers and piggybacking on garbage trucks.

Tenenbaums doesn't explore issues of rejection and class as rigorously as Salinger or even *Rushmore* did; this time we're on the inside with the family. (There's still some room for discomfited guests, notably Danny Glover as a dignified suitor to Huston; Bill Murray, bearded and morose as Margot's husband; and the superb Owen Wilson as the cowboy-next-door, grown up into a wild, wanna-be Tenenbaum.) But something similar to expulsion, a faintly tragic loss of identity, divides the confident wunderkind Chas selecting ties off his motorized rack from the grown-up version, who demonstrates his toy to unimpressed kids. Precociousness only lasts so long; family is forever. In the beautiful moments when Anderson judiciously reveals maturity to his splintered tribe—like Margot striding in slow-motion, a secret grin on her face, toward her baby brother waiting at the depot while Nico coos “These Days” on the soundtrack—the future looks bright if only for being less dysfunctional.

Anderson's stalled eccentrics might remind you of Hollywood's own ambitious phase—of *Five Easy Pieces* or *Harold and Maude*—also interrupted prematurely. What followed in its stead, all wizards and maidens and glowing swords, will surely be reworked as long as there are accountants and teen-age boys. This is not to call the first installment of *The Lord of the Rings* a mercenary undertaking; if anything, it's been fleshed out with a fair degree of warmth and even a joke about dwarf-tossing.

The visionary responsible (all trilogies, it seems, spring from such stock) is Peter Jackson, a New Zealander who quietly turned out one of the bona-fide masterpieces of the past decade, *Heavenly Creatures*, a true story about two schoolgirls who committed murder to protect their budding affair. Jackson infused their plotting with elaborate fantasy sequences

of unicorns and magic castles, little pink explosions of their private escapes. *The Fellowship of the Ring*, as you may have heard, is not about schoolgirls, but bringing it off must have required a comparable psychic obsession. And we're lucky to have on the job a filmmaker acquainted with real human beings.

The gleaming Ring itself is the ultimate source of power in all of fog-shrouded Middle-earth, contested over for centuries by mortals, hobbits, elves, orcs, the Gollum—OK, wake up.



What are you looking at?

Actually, Jackson and his team have achieved something close to miraculous navigating the text's density, making it clear and compelling with a minimum of pruning. \$300 million helps too, but the human grace notes are key: Ian McKellan makes a towering (if slightly self-amused) Gandalf, and Elijah Wood's Frodo Baggins is an uncertain quester.

Jackson is working from obvious passion; he knows the most special of effects are expected of him but deploys his technology smartly. Certain life-size actors have been shrunk or heightened by trick sets and computers (McKellan's head hovers dangerously close to the chandeliers of a hobbit's cozy abode), and only the subtlest tweakings are made to New Zealand's already ravishing glens. *Fellowship* leaves you vaguely exhausted but far less than one might have guessed; it's a tribute to Jackson's faith that you exit musing not on the money but the spell of Tolkien's quaint variety of deep thoughts, once so

beloved by the counterculture: “To bear a ring of power is to be alone.” (A note of concern to Jackson, the lonely bearer: Before next winter, you may want to rethink that second book's title, *The Two Towers*.)

Would it really be Christmas without a remake? The first *Ocean's Eleven* was basically an excuse for the Rat Pack to do its well-marinated shtick on camera, and in a place where they could all properly spend a per diem—Vegas. (Did the crew just meet them out there?) The plot, like a maraschino cherry, still feels thrown in at the last minute: a multi-casino heist of hubristic bluster, promising eight-figure pay-offs for all 11 hoods. Go ahead and do the math if you like; my considerable pleasure came from savoring the cocktail, which now gets its punch not from aged spirits but the skill of the bartender.

As we live and breathe, Steven Soderbergh is making the best kid-stuff for adults since Howard Hawks put Cary Grant in a sombrero. It's no small achievement. Too few directors come to the realization that speed can actually relax an ensemble: George Clooney and Brad Pitt riff magnificently on the Frank and Deano roles respectively, and with even better chemistry. As for the 11, though it's hard to choose, highest adulation must be offered up to Elliot Gould's gauche financier, whose hairy chest has room for a golden *chai*, a star of David, and what looks like a miniature Ark of the Covenant.

A piece of nonsense? Fine, if you must insist, but a perfect piece—one with room for a foldable Chinese contortionist, remote-controlled cars and Julia Roberts, not to mention the still-witty stroke of having all those candy-colored streetlights suddenly go black after the Grease Man cuts the power. Or, to translate into High Roller-ese: “Dat is da sexiest thing I ever seen.” ■

Joshua Rothkopf can be reached at rothkopf@inthesetimes.com.

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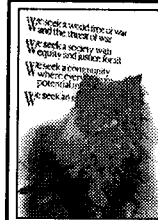
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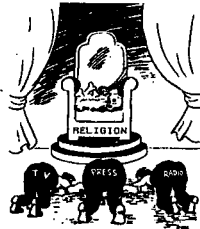


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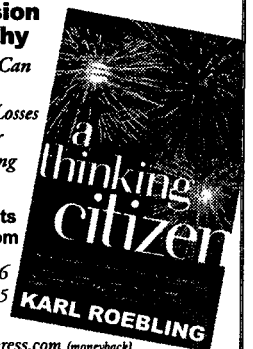
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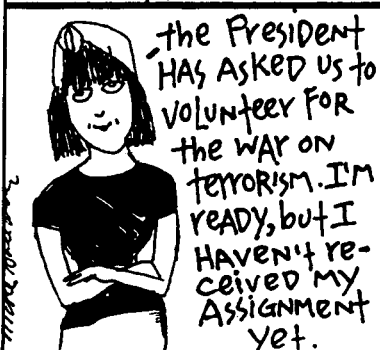
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often in lavish and academic form. Most recently, Sony Columbia released the marvelous sessions from the mid-to-late '50s when Coltrane served as the tenor for the Miles Davis quintet (and sometimes sextet, when altoist Cannonball Adderley was added to the mix). Fantasy Records' storied Prestige label kicked off this Coltrane bonanza in 1991 with a 16-disc package that included all of Coltrane's many loose "blowing" sessions from the mid-to-late '50s, when he was a popular sideman for Davis and others.

In 1995 came the appropriately named boxed set, *The Heavyweight Champion*, seven discs from the Atlantic label, which arguably contain Coltrane's most astonishing work. The recordings cover a mere 10 months, from December 1959 to October 1960. In these recordings, considered the best introduction to his mature sound, Coltrane found his lyrical and haunting mature style and cracked the critical big time with his own compositions, "Giant Steps," "Central Park West" and the unforgettable "A Love Supreme." He even had a hit record with a version of the *Sound of Music* tune (sung by Julie Andrews in the Disney movie) "My Favorite Things."

Coltrane next recorded for Impulse from December 1961 to June 1965. Three years ago that label released a stunning eight-disc set of all Coltrane's recordings with his fabled quintet, which included McCoy Tyner, Elvin Jones and either bassist Jimmy Garrison or Reggie Workman. Impulse has also released a four-disc set that contains the complete recordings Coltrane made with Eric Dolphy in New York over a five-day period in November 1961 at the Village Vanguard club, as well as a single disc, recorded at the Vanguard in 1966, in which Coltrane performs a 26-minute version of "My Favorite Things" accompanied by a second saxophonist.

It is a testimony to Coltrane's enormous productivity in the first half of the decade, when he was at the height of his powers as a soloist and bandleader, that even this massive outpouring of his recorded music has left jazz purists hungry for more. The main gap involves the music of Coltrane's single year on Atlantic and, specifically, "My Favorite Things."

The recording for Atlantic came on the first day that McCoy Tyner, the most influential pianist of the '60s, recorded with Coltrane. The result was an amazing 13-minute-and-41-second track that, for its time, was both wholly absorbing and exhaustingly demanding. Coltrane would become famous for recording 20-minute songs (or whole vinyl-album sides) and "My Favorite Things" kicked off this practice.

The cut is a stunner. Tyner opens with a two-handed comp that altered jazz piano forever, planting seeds that would give rise to such disparate pianists as Keith Jarrett and George Winston, Fred Hersch and Michel Petrucciani. Tyner was crucial to Coltrane's breakthrough because he could both swing and experiment with equal majesty. And like Coltrane, Tyner was not flamboyant and said little about himself or his craft.

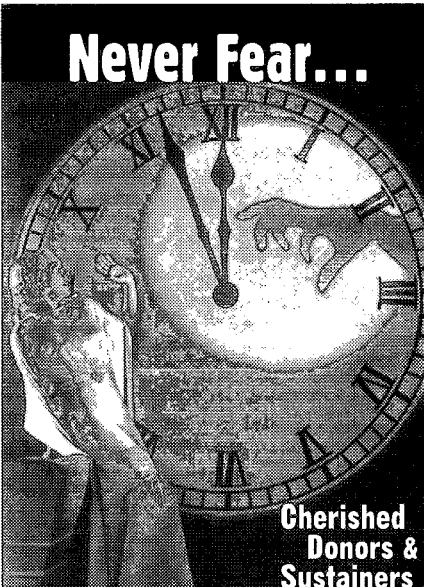
On "My Favorite Things," Coltrane performed on the soprano saxophone; his playing was so muscular and beautiful that in a single stroke he retrieved this most slender of saxes from obscurity. While Coltrane was impressed enough with his playing to make the soprano part of his recording regiment thereafter, he never recorded "My Favorite Things" again. When Atlantic (now owned by AOL Time Warner) went to find Coltrane's complete recordings for the label, no alternate recording could be found. It appears that Coltrane laid down this classic in a single take.

For years, Coltrane's version of "My Favorite Things" was a kind of Holy Grail for his fans. So restless, so fluid was Coltrane that it was inconceivable that he would have played this song the very same way twice. Norman Granz's Pablo label tantalized fans of this tune by releasing a couple of live versions performed by Coltrane in his European tours in 1961, 1962 and 1963. A few poorly recorded and badly documented bootleg versions, probably of these concert performances, circulated on European labels.

This is why the release by Fantasy of *Live Trane: the European Tours* is so significant. The seven-disc package contains eight hours of music, a third of it newly released and the rest scattered across several albums. The sound is vastly improved over the original releases.

Live Trane gives us six different versions of "My Favorite Things," recorded over three years, so that for the first time we hear Coltrane tackling this pop tune from a variety of angles. All these versions are gems, some dominated by his soloing and by contributions from Tyner and Elvin Jones. On one version, Coltrane is joined on flute by Dolphy, a neglected master. What is astonishing about Coltrane's handling of this Rodgers and Hammerstein showtune is that he fuses avant-garde and pop so deliciously that jazz musicians ever since have sought to do the same. So alluring is Coltrane's achievement that no less a reigning arbiter of jazz taste than Wynton Marsalis has spent more than a decade trying (and failing) to equal it.

"My Favorite Things" became an anthem for Coltrane. It was perhaps the last time in jazz history that the cutting edge met pop culture and both triumphed. This was Coltrane's gift—and proof of his ability to satisfy an audience's craving for both the familiar and the unknown. ■



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My Favorite COLTRANE

By G. Pascal Zachary

Jazz is an individual art that is best expressed collectively, so that the greatest jazz musicians invariably stand in relation to one another. Such was the case for Miles Davis and John Coltrane, the two most influential jazz musicians of the '60s.

Davis and Coltrane were bookends to that decade, which saw the last indisputably great outpouring of jazz creativity. Davis, the trumpeter, was always more Hollywood.

He was the most photogenic jazz musician ever, and he was heir to a tradition—launched by Louis Armstrong and Duke Ellington—of African-American musicians engaging their white audiences by subverting white expectations of blacks. While Davis literally would turn his back on audiences on stage, he cared deeply about how white America viewed him.

Coltrane did not. He was beyond cool; when the adulation came, relatively late in his short life, Coltrane was already too committed to his own austere vision of jazz

to pander to listeners. Coltrane inspired imitators; Davis sparked entire schools of jazz. Unlike Miles, who made cryptic statements about his art, Coltrane said nothing at all. He was like a force of nature that refused to announce itself. On a rare TV appearance with San Francisco jazz critic Ralph Gleason in 1963, Coltrane said not a word in the half-hour program. He played, though, and for Gleason that was enough.

While Miles aged gracefully, and indeed was more popular at the end of his life than at any time in his prime, Coltrane seemingly willed his death—and indeed died prematurely at the age of 40 in 1967—so that he would not have to compromise even with the age. Forever young, explosive and principled, Coltrane was the Che Guevara of modern jazz and the godfather of the avant-garde, the north star for every jazz rebel in the 20 years after his death, from the inimitable Pharoah Sanders to the polymathic David Murray.

The 75th anniversary of Davis' birth this past May was treated as an opportunity to reinforce his iconic status and his ascension into the American cultural canon. Scores of articles were written about Miles, and a raft of reissued material flowed forth from his longtime label, Columbia (now Sony Records). By contrast, although the past year was also the 75th anniversary of Coltrane's birth, this occasioned no similar marketing blitz. Coltrane, born in North Carolina a few months after Miles, remains too far out on the edge for mainstream comprehension.

This is paradoxical, because Coltrane seems so much more of mainstream America than Miles. In 1957, Coltrane broke a longstanding addiction to drugs and alcohol. His playing began to blossom and so did his religiosity. Here, again, the contrast with Davis is sharp. Davis' autobiographical confessions about persistent woman-beating make him something of a Dorian Gray figure: The higher his status, the worse he treated other people. Coltrane seemed only suited for musical sainthood, and the devotion of his wife, Alice, a pianist who recorded with Coltrane, underscores his otherworldliness and personal ethics. Coltrane's transcendence of cool consigns him to the status of cult admiration.

But this is not the same as saying he is ignored. Hardly. In recent years Coltrane has been subject to the kind of retrospective treatment that only jazz immortals receive. His every note recorded in a studio, from the mid-'50s until the mid-'60s, has been reissued.

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